

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 365

**Citations Affected:** IC 4-22-2-37.1; IC 12-24-13-6; IC 20-26-11-9; IC 22-4.1-4-2; IC 29-3-7-7; IC 31-9-2; IC 31-16-12; IC 31-19; IC 31-25; IC 31-27; IC 31-30-1-2.5; IC 31-33; IC 31-34; IC 31-35-2; IC 31-37; IC 31-38; IC 35-42-2; IC 36-2-14-6.3.

**Synopsis:** Various department of child services matters. Conference committee report for ESB 365. Repeals provisions concerning local coordinating committees. Removes a provision stating that certain information may be included in a petition for adoption. Requires a petition for adoption that is in proper form to be forwarded to the department of child services (department). Specifies certain supervision that is a prerequisite to adoption. Provides that the department shall: (1) publish or post on its web site; and (2) furnish to public libraries; a list of supervising adoption agencies. Removes the requirement that the department provide each clerk of the courts having probate jurisdiction with the list of supervising adoption agencies. Provides that licensed child placing agencies or county offices of family and children shall ensure that certain criminal history checks are conducted (Current law requires the department to conduct the criminal history checks). Removes classifications of when a child is hard to place and requires the department to define "hard to place". Requires a court to refer to the department a petitioner for adoption who requests financial assistance. Changes how frequently the department is required to report information regarding caseloads of child protection caseworkers. Provides that the case plan for a child in need of services must include ensuring the educational stability of the child while in foster care. Provides that under certain circumstances the refusal of a parent, guardian, or custodian to submit to a drug or alcohol screen test after the death of a child may be used to determine that the parent was intoxicated or under the influence of drugs or alcohol at the time of the child's death. Gives the department additional emergency rule making authority. Requires the department to initiate an assessment upon receiving a report of a child who lives with a parent who is married to or lives with a person who has been convicted of a battery offense or neglect of a dependent. Provides that the department of child services (DCS) is responsible for the cost of treatment or maintenance of a child under DCS's supervision only if the costs are reimbursable under the state Medicaid program. Changes references from the family and social services administration to the department of child services. Changes references from caseworkers to family case managers. Changes references from child abuse "investigations" to child abuse "assessments". Provides that if DCS believes that a child is in imminent danger of serious bodily

harm, DCS shall initiate an immediate assessment. Removes a requirement that the probation department complete a child's case plan not more than 60 days after the date of the dispositional decree. Requires the probation department to create a case plan if a decree is modified. Removes a requirement for a probation officer to include certain information in a predispositional report for DCS to determine if a child is eligible for certain government assistance. Removes the requirement that the bureau of child support demonstrate that all previous enforcement actions have been unsuccessful before sending an obligor a notice that the obligor is delinquent. Provides that a petition alleging that a child taken into custody is a child in need of services (CHINS) shall be filed before the detention hearing. Requires the initial hearing on the CHINS petition to be held at the same time as the detention hearing. Enhances battery to a Class D felony if the victim suffers bodily injury and is a DCS employee. Adds employees of DCS to the list of persons covered by the statute making battery by bodily waste a Class D felony. Requires a coroner to: (1) immediately notify the county office of DCS of; and (2) consult with a child death pathologist to determine whether an autopsy is needed regarding; the death of a person less than 18 years of age who died in an apparently suspicious, unexpected, or unexplained manner. Requires DCS, in cooperation with the state department of education, to develop and coordinate the education advocates for children in foster care plan. Authorizes a probation department and the county office of family and children and the department of child services to exchange information for use in preparing certain reports concerning a child. Prohibits a court from appointing a person to serve as a guardian or to continue to serve as a guardian if the person has committed certain sex offenses. Prohibits a court or juvenile court from permitting a person to serve as a guardian or custodian if the person was convicted as an adult of certain sex offenses that the person committed when the person was less than 18 years of age. Provides that a court may: (1) order a party who is alleged to be in contempt of court regarding violation of a child support order to show cause as to why the party should not be held in contempt; and (2) if the party fails to respond to the order to show cause, issue a bench warrant and require the party to deposit an escrow amount before the hearing to show cause. Provides that if a child is removed from the child's parents, the department of child services shall identify and provide notice of the removal to certain adult relatives, including the child's siblings who are at least 18 years of age. Specifies the data and information that must be disclosed in records of cases of a child fatality or near fatality that may have been a result of abuse, abandonment, or neglect. Removes the option for the department of child services to classify an assessment of suspected child abuse or neglect as "indicated". Adds references to probation departments' duties concerning legal settlement of a student. Removes the requirement under which a report based on the investigation concerning an adoption petition must state whether the child is classified as hard to place. Requires a court to incorporate certain department of child services records into an order. Creates the commission on childhood poverty in Indiana and sets forth duties of the commission. **(This conference committee report: (1) requires a coroner to consult with a child death pathologist to determine whether an autopsy is needed regarding the death of a person less than 18 years of age who died in an apparently suspicious, unexpected, or unexplained manner; (2) requires the department to furnish a list of supervising adoption agencies to public libraries; (3) removes the requirement that the department provide each clerk of the courts having probate jurisdiction with the list of supervising adoption agencies; (4) inserts the contents of Engrossed Senate Bill 260 concerning the commission on childhood poverty; (5) removes language that prohibits the office of the secretary of family and social services from using a contractor to assist in making eligibility determinations for the Medicaid program, food stamps, and the Temporary Assistance for Needy Families (TANF) program; (6) removes language concerning requirements for certain family and social services administration contractors; (7) changes references to "county office of family and children" to "county office"; and (8) makes technical corrections.)**

**Effective:** Upon passage; July 1, 2009.



## CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 365 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.90-2008,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 37.1. (a) This section applies to a rulemaking
- 5 action resulting in any of the following rules:
- 6 (1) An order adopted by the commissioner of the Indiana
- 7 department of transportation under IC 9-20-1-3(d) or
- 8 IC 9-21-4-7(a) and designated by the commissioner as an
- 9 emergency rule.
- 10 (2) An action taken by the director of the department of natural
- 11 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 12 (3) An emergency temporary standard adopted by the
- 13 occupational safety standards commission under
- 14 IC 22-8-1.1-16.1.
- 15 (4) An emergency rule adopted by the solid waste management
- 16 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 17 (5) A rule, other than a rule described in subdivision (6), adopted
- 18 by the department of financial institutions under IC 24-4.5-6-107
- 19 and declared necessary to meet an emergency.
- 20 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 21 department of financial institutions and declared necessary to
- 22 meet an emergency under IC 24-4.5-6-107.

- 1 (7) A rule adopted by the Indiana utility regulatory commission to
- 2 address an emergency under IC 8-1-2-113.
- 3 (8) An emergency rule adopted by the state lottery commission
- 4 under IC 4-30-3-9.
- 5 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 6 executive board of the state department of health declares is
- 7 necessary to meet an emergency.
- 8 (10) An emergency rule adopted by the Indiana finance authority
- 9 under IC 8-21-12.
- 10 (11) An emergency rule adopted by the insurance commissioner
- 11 under IC 27-1-23-7.
- 12 (12) An emergency rule adopted by the Indiana horse racing
- 13 commission under IC 4-31-3-9.
- 14 (13) An emergency rule adopted by the air pollution control
- 15 board, the solid waste management board, or the water pollution
- 16 control board under IC 13-15-4-10(4) or to comply with a
- 17 deadline required by or other date provided by federal law,
- 18 provided:
- 19 (A) the variance procedures are included in the rules; and
- 20 (B) permits or licenses granted during the period the
- 21 emergency rule is in effect are reviewed after the emergency
- 22 rule expires.
- 23 (14) An emergency rule adopted by the Indiana election
- 24 commission under IC 3-6-4.1-14.
- 25 (15) An emergency rule adopted by the department of natural
- 26 resources under IC 14-10-2-5.
- 27 (16) An emergency rule adopted by the Indiana gaming
- 28 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
- 29 IC 4-33-4-14, or IC 4-35-4-2.
- 30 (17) An emergency rule adopted by the alcohol and tobacco
- 31 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 32 IC 7.1-3-20-24.4.
- 33 (18) An emergency rule adopted by the department of financial
- 34 institutions under IC 28-15-11.
- 35 (19) An emergency rule adopted by the office of the secretary of
- 36 family and social services under IC 12-8-1-12.
- 37 (20) An emergency rule adopted by the office of the children's
- 38 health insurance program under IC 12-17.6-2-11.
- 39 (21) An emergency rule adopted by the office of Medicaid policy
- 40 and planning under IC 12-15-41-15.
- 41 (22) An emergency rule adopted by the Indiana state board of
- 42 animal health under IC 15-17-10-9.
- 43 (23) An emergency rule adopted by the board of directors of the
- 44 Indiana education savings authority under IC 21-9-4-7.
- 45 (24) An emergency rule adopted by the Indiana board of tax
- 46 review under IC 6-1.1-4-34 (repealed).
- 47 (25) An emergency rule adopted by the department of local
- 48 government finance under IC 6-1.1-4-33 (repealed).
- 49 (26) An emergency rule adopted by the boiler and pressure vessel
- 50 rules board under IC 22-13-2-8(c).
- 51 (27) An emergency rule adopted by the Indiana board of tax

review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

**(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.**

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under

subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 2. IC 12-24-13-6, AS AMENDED BY P.L.146-2008, SECTION 416, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The department of child services is responsible for the cost of treatment or maintenance of a child under the department's custody or supervision who is placed ~~by or with the consent of the department of child services~~ in a state institution **only if the cost is reimbursable under the state Medicaid program under IC 12-15.**

SECTION 3. IC 20-26-11-9, AS AMENDED BY P.L.146-2008, SECTION 469, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) This section applies to each student:

- (1) described in section 8(a) of this chapter;
- (2) who is placed in a home or facility in Indiana that is outside the school corporation where the student has legal settlement; and
- (3) for which the state is not obligated to pay transfer tuition.

(b) Not later than ten (10) days after the department of child services **or a probation department** places or changes the placement of a student, the department of child services **or probation department** that placed the student shall notify the school corporation where the student has legal settlement and the school corporation where the student will attend school of the placement or change of placement. Before June 30 of each year, ~~a county~~ **the department of child services or a probation department** that places a student in a home or facility shall notify the school corporation where a student has legal settlement and the school corporation in which a student will attend school if a student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

- (1) the department of child services, if the ~~department of child services placed or consented to the placement of the student; is a child in need of services;~~ or
- (2) if subdivision (1) does not apply, the court or other agency making the placement.

SECTION 4. IC 22-4.1-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This section applies only to an employer who employs individuals within the state.

(b) As used in this section, "date of hire" is the first date that an employee provides labor or services to an employer.

(c) As used in this section, "employee":

- (1) has the meaning set forth in Chapter 24 of the Internal Revenue Code of 1986; and
- (2) includes any individual:
  - (A) required under Internal Revenue Service regulations to complete a federal form W-4; and
  - (B) who has provided services to an employer.

The term does not include an employee of a federal or state agency who performs intelligence or counter intelligence functions if the head of the agency determines that the reporting information required under this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(d) As used in this section, "employer" has the meaning set forth in Section 3401(d) of the Internal Revenue Code of 1986. The term includes:

- (1) governmental agencies and labor organizations; and
- (2) a person doing business in the state as identified by:
  - (A) the person's federal employer identification number; or
  - (B) if applicable, the common paymaster, as defined in Section 3121 of the Internal Revenue Code or the payroll reporting agent of the employer, as described in IRS Rev. Proc. 70-6, 1970-1, C.B. 420.

(e) As used in this section, "labor organization" has the meaning set forth in 42 U.S.C. 653A(a)(2)(B)(ii).



(f) The department shall maintain the Indiana directory of new hires as required under 42 U.S.C. 653A.

(g) The directory under subsection (f) must contain information that an employer must provide to the department for each newly hired employee as follows:

(1) The information must be transmitted within twenty (20) business days of the employee's date of hire.

(2) If an employer transmits reports under this section magnetically or electronically, the information must be transmitted in two (2) monthly transactions that are:

(A) not less than twelve (12) days apart; and

(B) not more than sixteen (16) days apart.

If mailed, the report is considered timely if it is postmarked on or before the due date. If the report is transmitted by facsimile machine or by using electronic or magnetic media, the report is considered timely if it is received on or before the due date.

(h) The employer shall provide the information required under this section on an employee's withholding allowance certificate (Internal Revenue Service form W-4) or, at the employer's option, an equivalent form. The report may be transmitted to the department by first class mail, by facsimile machine, electronically, or magnetically. The report must include at least the following:

(1) The name, address, and Social Security number of the employee.

(2) The name, address, and federal tax identification number of the employer.

(3) The date of hire of the employee.

(i) An employer that has employees in two (2) or more states and that transmits reports under this section electronically or magnetically may comply with this section by doing the following:

(1) Designating one (1) state to receive each report.

(2) Notifying the Secretary of the United States Department of Health and Human Services which state will receive the reports.

(3) Transmitting the reports to the agency in the designated state that is charged with receiving the reports.

(j) The department may impose a civil penalty of five hundred dollars (\$500) on an employer that fails to comply with this section if the failure is a result of a conspiracy between the employer and the employee to:

(1) not provide the required report; or

(2) provide a false or an incomplete report.

(k) The information received from an employer regarding newly hired employees shall be:

(1) entered into the state's new hire directory within five (5) business days of receipt; and

(2) forwarded to the national directory of new hires within three

(3) business days after entry into the state's new hire directory.

The state shall use quality control standards established by the Administrators of the National Directory of New Hires.

(l) The information contained in the Indiana directory of new hires is available only for use by the department ~~and the office of the~~

1 ~~secretary of family and social services~~ for purposes required by 42  
 2 U.S.C. 653A, unless otherwise provided by law.

3 (m) ~~The office of the secretary of family and social services~~  
 4 **department of child services** shall reimburse the department for any  
 5 costs incurred in carrying out this section.

6 (n) ~~The office of the secretary of family and social services~~  
 7 **department of child services** and the department shall enter into a  
 8 purchase of service agreement that establishes procedures necessary to  
 9 administer this section.

10 SECTION 5. IC 29-3-7-7 IS ADDED TO THE INDIANA CODE  
 11 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 12 **UPON PASSAGE]: Sec. 7. A court may not appoint a person to**  
 13 **serve as the guardian or permit a person to continue to serve as a**  
 14 **guardian if the person:**

15 (1) **is a sexually violent predator (as described in**  
 16 **IC 35-38-1-7.5);**

17 (2) **was at least eighteen (18) years of age at the time of the**  
 18 **offense and was convicted of child molesting (IC 35-42-4-3) or**  
 19 **sexual misconduct with a minor (IC 35-42-4-9) against a child**  
 20 **less than sixteen (16) years of age:**

21 (A) **by using or threatening the use of deadly force;**

22 (B) **while armed with a deadly weapon; or**

23 (C) **that resulted in serious bodily injury; or**

24 (3) **was less than eighteen (18) years of age at the time of the**  
 25 **offense and was convicted as an adult of:**

26 (A) **an offense described in:**

27 (i) **IC 35-42-4-1;**

28 (ii) **IC 35-42-4-2;**

29 (iii) **IC 35-42-4-3 as a Class A or Class B felony;**

30 (iv) **IC 35-42-4-5(a)(1);**

31 (v) **IC 35-42-4-5(a)(2);**

32 (vi) **IC 35-42-4-5(a)(3);**

33 (vii) **IC 35-42-4-5(b)(1) as a Class A or Class B felony;**

34 (viii) **IC 35-42-4-5(b)(2); or**

35 (ix) **IC 35-42-4-5(b)(3) as a Class A or Class B felony;**

36 (B) **an attempt or conspiracy to commit a crime listed in**  
 37 **clause (A); or**

38 (C) **a crime under the laws of another jurisdiction,**  
 39 **including a military court, that is substantially equivalent**  
 40 **to any of the offenses listed in clauses (A) and (B).**

41 SECTION 6. IC 31-9-2-9.6 IS ADDED TO THE INDIANA CODE  
 42 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 43 **1, 2009]: Sec. 9.6. "Assessment", for purposes of IC 31-25 and**  
 44 **IC 31-33, means an initial and ongoing investigation or evaluation**  
 45 **that includes:**

46 (1) **a review and determination of the safety issues that affect**  
 47 **a child and:**

48 (A) **a child's parents, guardians, or custodians; or**

49 (B) **another individual residing in the residence where the**  
 50 **child resides or is likely to reside;**

51 (2) **an identification of the underlying causes of the safety**

- issues described in subdivision (1);
- (3) a determination whether child abuse, neglect, or maltreatment occurred; and
- (4) a determination of the needs of a child's family in order for the child to:
  - (A) remain in the home safely;
  - (B) be returned to the home safely; or
  - (C) be placed in an alternative living arrangement.

SECTION 7. IC 31-9-2-42.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 42.3. **"Drug or alcohol screen test" means a test used to determine the presence or use of alcohol, a controlled substance, or a drug in a person's bodily substance.**

SECTION 8. IC 31-9-2-107 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18, means:

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

(b) **"Relative", for purposes of IC 31-34-3, means:**

- (1) a maternal or paternal grandparent;
- (2) an adult aunt or uncle; or
- (3) any other adult relative suggested by either parent of a child.

SECTION 9. IC 31-9-2-123, AS AMENDED BY P.L.146-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 123. "Substantiated", when used in reference to a child abuse or neglect report made under IC 31-33, means a determination regarding the status of the report whenever facts obtained during an ~~investigation~~ **assessment** of the report provide a preponderance of evidence that child abuse or neglect has occurred.

SECTION 10. IC 31-9-2-132 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 132. "Unsubstantiated", for purposes of IC 31-33 and IC 31-39-8-4, means a determination regarding the status of a report made under IC 31-33 whenever facts obtained during an ~~investigation~~ **assessment** of the report provide credible evidence that child abuse or neglect has not occurred.

SECTION 11. IC 31-16-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court. If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or
- (2) the emancipation of the child;

whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.

(b) The court may order a party who is found in contempt of court under this section to:

- (1) perform community restitution or service without

compensation in a manner specified by the court; or

(2) seek employment.

**(c) The court may order a party who is alleged to be in contempt of court under this section to show cause as to why the party should not be held in contempt for violating an order for support. The order to show cause must set forth:**

**(1) the contempt allegations;**

**(2) the failure to pay child support allegations;**

**(3) when the court issued the order for support;**

**(4) the party's history of child support payments;**

**(5) the specific:**

**(A) date and time when; and**

**(B) place where;**

**the party is required to show cause in the court; and**

**(6) the party's arrearage.**

SECTION 12. IC 31-16-12-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. (a) If a party fails to respond to an order to show cause issued under section 6(c) of this chapter by the date and time specified in the order to show cause, the court may issue a bench warrant for the party to be arrested and brought to the court to respond to the order to show cause.**

**(b) The court must determine an escrow that a party ordered to show cause under section 6(c) of this chapter is required to deposit with the clerk of the circuit court before the hearing to show cause. If the child support arrearage amount is less than five hundred dollars (\$500), the court shall set the required escrow at the amount of the arrearage. If the arrearage is more than five hundred dollars (\$500), the court shall set the required escrow at not less than five hundred dollars (\$500) and not more than one hundred percent (100%) of the arrearage.**

**(c) All escrow received by a clerk of the circuit court under this section shall be deposited in a single account. The clerk shall:**

**(1) keep an accounting of all money deposited in the escrow account;**

**(2) issue a receipt to any person who pays money to the clerk under this section; and**

**(3) transfer money out of the escrow account only after receiving an order to transfer money issued by the court that issued the bench warrant.**

**(d) If a party is arrested under subsection (a), the party shall remain in custody until the hearing to show cause unless the party posts the escrow amount required in the bench warrant.**

**(e) If a party is arrested outside the business hours of the clerk of the circuit court, the party may post the escrow amount stated in the bench warrant with the arresting officer.**

**(f) The arresting officer or clerk receiving an escrow amount shall give the party a receipt for the escrow on a form substantially as follows:**

**"Date: \_\_\_\_\_**

**Escrow received from \_\_\_\_\_ (referred to in this**

receipt as respondent) to assure the performance of the respondent's child support arrearage. The respondent shall appear for a hearing to show cause at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) at the following address:

\_\_\_\_\_  
 \_\_\_\_\_  
 (Address to be furnished by respondent for receipt of notice.)

The hearing is for the respondent to answer an order to show cause. If the respondent is found to be in contempt, further proceedings related to the respondent's contempt may occur.

If the respondent fails to appear at the time and date listed above, fails to submit to the jurisdiction of the court, or fails to abide by the court's orders, the Court may direct the Clerk of the Circuit Court to distribute the escrow deposited with the Clerk of the Circuit Court under state and federal child support distribution laws.

If the respondent appears at the time and location indicated above and the Court determines the respondent owes an arrearage under the support order that is the basis of the order to show cause or owes any costs to the Court, the Court may direct the Clerk of the Circuit Court to distribute the escrow deposited with the Clerk of the Circuit Court under state and federal child support distribution laws.

By depositing the escrow amount and accepting this receipt, the recipient of this receipt waives a claim to the money following a Court order for distribution of child support.

Printed name and signature of person receiving escrow deposit:

\_\_\_\_\_  
 Agency or department of person receiving escrow deposit: \_\_\_\_\_."

(g) A law enforcement officer who receives escrow money under this section shall deposit the money with the clerk of the circuit court that issued the bench warrant within two (2) business days after receiving the escrow money.

(h) If a party is arrested under subsection (a) and cannot post the escrow amount required in the bench warrant, the party is entitled to a hearing within forty-eight (48) hours after the party's arrest, excluding weekends and holidays, if the court is able to hold the hearing within that period. If the court cannot hold a hearing within forty-eight (48) hours, the court shall review the escrow amount ordered in the bench warrant, may modify the escrow amount in the bench warrant to ensure that the party appears at future hearings, and shall set a date for a hearing. At the hearing, the party shall explain to the court why the party cannot post the required escrow deposit required by the bench warrant. The party shall also respond to the court's order to show cause.

(i) If a party fails to appear at a hearing to respond to an order to show cause issued under this section after the party deposited the escrow amount set in the bench warrant, the court shall order the clerk of the circuit court to distribute the escrow under state and federal child support distribution laws. The court may also

1 issue an additional bench warrant under subsection (a) for the  
2 party to respond to additional contempt charges.

3 (j) If a party posts the escrow amount set in a bench warrant, at  
4 a hearing to respond to an order to show cause under this section,  
5 the court shall determine how the escrow amount deposited is to be  
6 distributed under state and federal child distribution laws. If the  
7 escrow amount deposited exceeds the arrearage, the party is  
8 entitled to a refund.

9 (k) The court may set aside a finding of contempt under this  
10 section if the court finds, based on the hearing held under this  
11 section, that the party is in compliance with the court's orders.

12 (l) If a court finds a person to be in contempt of court under this  
13 section, the court may punish the person for contempt of court  
14 under IC 34-47.

15 SECTION 13. IC 31-19-2-6 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A petition for  
17 adoption must specify the following:

18 (1) The:

19 (A) name if known;

20 (B) sex, race, and age if known, or if unknown, the  
21 approximate age; and

22 (C) place of birth;

23 of the child sought to be adopted.

24 (2) The new name to be given the child if a change of name is  
25 desired.

26 (3) Whether or not the child possesses real or personal property  
27 and, if so, the value and full description of the property.

28 (4) The:

29 (A) name, age, and place of residence of a petitioner for  
30 adoption; and

31 (B) if married, place and date of their marriage.

32 (5) The name and place of residence, if known to the petitioner  
33 for adoption, of:

34 (A) the parent or parents of the child;

35 (B) if the child is an orphan:

36 (i) the guardian; or

37 (ii) the nearest kin of the child if the child does not have a  
38 guardian;

39 (C) the court or agency of which the child is a ward if the child  
40 is a ward; or

41 (D) the agency sponsoring the adoption if there is a sponsor.

42 (6) The time, if any, during which the child lived in the home of  
43 the petitioner for adoption.

44 (7) Whether the petitioner for adoption has been convicted of:

45 (A) a felony; or

46 (B) a misdemeanor relating to the health and safety of  
47 children;

48 and, if so, the date and description of the conviction.

49 (8) Additional information consistent with the purpose and  
50 provisions of this article that is considered relevant to the  
51 proceedings. ~~including whether:~~

- (A) a petitioner for adoption is seeking aid; and  
 (B) the willingness of the petitioner for adoption to proceed  
 with the adoption is conditioned on obtaining aid.

SECTION 14. IC 31-19-2-12, AS AMENDED BY P.L.146-2006,  
 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2009]: Sec. 12. As soon as a petition for adoption is found to  
 be in proper form, the clerk of the court shall forward one (1) copy of  
 the petition for adoption to:

- (1) a licensed child placing agency as described in IC 31-19-7-1,  
 with preference to be given to the agency, if any, sponsoring the  
 adoption, as shown by the petition for adoption; and  
 (2) the ~~county office of family and children whenever a subsidy  
 is requested in a petition for adoption sponsored by a licensed  
 child placing agency:~~ **department.**

SECTION 15. IC 31-19-8-1, AS AMENDED BY P.L.138-2007,  
 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2009]: Sec. 1. An adoption may be granted in Indiana only  
 after:

- (1) the court has heard the evidence; and  
 (2) except as provided in section 2(c) of this chapter, a period of  
 supervision, as described in section 2 of this chapter, by:  
 (A) a licensed child placing agency **for a child who has not  
 been adjudicated to be a child in need of services; or**  
 (B) **if the child is the subject of an open child in need of  
 services action, the** county office of family and children  
 approved for that purpose by the department.

SECTION 16. IC 31-19-8-3, AS AMENDED BY P.L.145-2006,  
 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The department shall  
 annually compile a list of:

- (1) licensed child placing agencies; and  
 (2) county offices of family and children;

that conduct the inspection and supervision required for adoption of a  
 child by IC 31-19-7-1 and section 1 of this chapter.

(b) The list of licensed child placing agencies and county offices of  
 family and children must include a description of the following:

- (1) Fees charged by each agency and county office of family and  
 children.  
 (2) Geographic area served by each agency and county office of  
 family and children.  
 (3) Approximate waiting period for the inspection or supervision  
 by each **licensed child placing** agency and county office of family  
 and children.  
 (4) Other relevant information regarding the inspection and  
 supervision provided by ~~an~~ **a licensed child placing** agency or a  
 county office of family and children under IC 31-19-7-1 and  
 section 1 of this chapter.

(c) The department shall do the following:

- (1) Maintain in its office ~~sufficient~~ **or on its web site** copies of  
 the list compiled under this section for distribution to individuals  
 who request a copy.

(2) Provide ~~the following persons~~ **each county office of family and children** with sufficient copies of the list prepared under this section for distribution to individuals who request a copy.

~~(A) Each clerk of a court having probate jurisdiction in a county;~~

~~(B) each county office of family and children.~~

(3) Provide a copy of the list to each public library organized under IC 36-12.

(d) The department and each:

(1) county office of family and children; **and**

~~(2) clerk of a court having probate jurisdiction in a county; and~~

~~(3) (2) public library organized under IC 36-12;~~

shall make the list compiled under this section available for public inspection.

SECTION 17. IC 31-19-8-4, AS AMENDED BY P.L.145-2006, SECTION 250, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. To facilitate adoption proceedings, the department shall:

**(1) publish;**

**(2) post on its web site; or**

**(3) furnish to clerks of Indiana courts having probate jurisdiction; each public library organized under IC 36-12;**

a list of approved supervising agencies.

SECTION 18. IC 31-19-8-5, AS AMENDED BY P.L.138-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (c), not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency:

**(1) each agency or the county office of family and children licensed child placing agency, for a child who is not adjudicated to be a child in need of services; or**

**(2) if the child is the subject of an open child in need of services action, each county office of family and children;**

shall submit to the court a written report of the investigation and recommendation as to the advisability of the adoption.

(b) The ~~agency's or county office of family and children's~~ report and recommendation:

(1) shall be filed with the adoption proceedings; and

(2) become a part of the proceedings.

(c) A court hearing a petition for adoption of a child

~~(1) may waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision. under section 2(c) of this chapter; and~~

~~(2) may require the county office of family and children or a child placing agency to:~~

~~(A) investigate any matter related to an adoption; and~~

~~(B) report to the court the results of the investigation.~~

(d) If the court waives the reports required under subsection (a), the court shall require the ~~county office of family and children or a child placing agency~~ **licensed child placing agency for a child who is not**



1 **adjudicated to be a child in need of services or, if the child is the**  
 2 **subject of an open child in need of services action, each county**  
 3 **office of family and children to:**

4 (1) ~~conduct~~ **ensure** a criminal history check **is conducted** under  
 5 IC 31-19-2-7.5; and

6 (2) report to the court the results of the criminal history check.

7 SECTION 19. IC 31-19-8-6, AS AMENDED BY P.L.138-2007,  
 8 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2009]: Sec. 6. (a) The ~~agency's or county office of family and~~  
 10 ~~children's~~ report **required by section 5 of this chapter** must, to the  
 11 extent possible, include the following:

12 (1) The former environment and antecedents of the child.

13 (2) The fitness of the child for adoption.

14 ~~(3) Whether the child is classified as hard to place;~~

15 ~~(A) because of the child's ethnic background, race, color,~~  
 16 ~~language, physical, mental, or medical disability, or age; or~~

17 ~~(B) because the child is a member of a sibling group that~~  
 18 ~~should be placed in the same home.~~

19 ~~(4)~~ **(3)** The suitability of the proposed home for the child.

20 (b) The report may not contain any of the following:

21 (1) Information concerning the financial condition of the  
 22 **adoptive** parents.

23 (2) A recommendation that a request for a subsidy be denied in  
 24 whole or in part due to the financial condition of the **adoptive**  
 25 parents.

26 (c) The criminal history information required under IC 31-19-2-7.5  
 27 must accompany the report.

28 SECTION 20. IC 31-19-8-7, AS AMENDED BY P.L.138-2007,  
 29 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2009]: Sec. 7. The court shall summarily consider the ~~agency's~~  
 31 ~~or county office of family and children's~~ report **submitted under**  
 32 **section 5 of this chapter**. If the court finds that further investigation  
 33 or further supervision is necessary, the court shall continue the case to  
 34 a later date that the court considers advisable for final determination.  
 35 At that time the court shall determine the case.

36 SECTION 21. IC 31-19-8-8, AS AMENDED BY P.L.138-2007,  
 37 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2009]: Sec. 8. The report and recommendation of the **licensed**  
 39 **child placing** agency or county office ~~of family and children~~ are not  
 40 binding on the court but are advisory only.

41 SECTION 22. IC 31-19-11-3, AS AMENDED BY P.L.146-2008,  
 42 SECTION 561, IS AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) If the petition for adoption  
 44 contained a request for financial assistance, the court shall refer the  
 45 ~~petitioner~~ **petitioner** to the department **to complete and submit to the**  
 46 **department the Indiana Adoption Program application** for a  
 47 determination of eligibility for:

48 (1) adoption assistance under 42 U.S.C. 673, including applicable  
 49 federal and state regulations; or

50 (2) an adoption subsidy under IC 31-19-26.5.

(b) The department shall determine the eligibility of the adoptive child for financial assistance and the amount of assistance, if any, that will be provided.

(c) The court may not order payment of:

- (1) adoption assistance under 42 U.S.C. 673; or
- (2) any adoption subsidy under IC 31-19-26.5.

SECTION 23. IC 31-19-17-3, AS AMENDED BY P.L.1-2006, SECTION 497, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The person, licensed child placing agency, or county office ~~of family and children~~ shall:

- (1) exclude information that would identify the birth parents; and
- (2) release all available social, medical, psychological, and educational records concerning the child to:
  - (A) the adoptive parent; and
  - (B) upon request, an adoptee who:
    - (i) is at least twenty-one (21) years of age; and
    - (ii) provides proof of identification.

SECTION 24. IC 31-19-17-4, AS AMENDED BY P.L.1-2006, SECTION 498, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The person, licensed child placing agency, or county office ~~of family and children~~ shall provide:

- (1) the adoptive parent; and
- (2) upon request, an adoptee who:
  - (A) is at least twenty-one (21) years of age; and
  - (B) provides proof of identification;

with a summary of other existing social, medical, psychological, and educational records concerning the child of which the person, agency, or county office has knowledge but does not have possession. If requested by an adoptive parent or an adoptee, the person, agency, or county office shall attempt to provide the adoptive parent or the adoptee with a copy of any social, medical, psychological, or educational record that is not in the possession of the person, agency, or county office, after identifying information has been excluded.

SECTION 25. IC 31-19-17-5, AS AMENDED BY P.L.1-2006, SECTION 499, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) This section applies to an adoption that is granted before July 1, 1993.

(b) Upon the request of an adoptee who:

- (1) is at least twenty-one (21) years of age; and
- (2) provides proof of identification;

a person, a licensed child placing agency, or a county office ~~of family and children~~ shall provide to the adoptee available information of social, medical, psychological, and educational records and reports concerning the adoptee. The person, licensed child placing agency, or county office ~~of family and children~~ shall exclude from the records information that would identify the birth parents.

SECTION 26. IC 31-25-2-4, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. One (1) time every ~~three (3)~~ **twelve (12)** months, the department shall submit a report to the budget committee and to the legislative council that provides data and

1 statistical information regarding caseloads of ~~child protection~~  
 2 ~~caseworkers.~~ **family case managers.** The report made to the legislative  
 3 council must be in an electronic format under IC 5-14-6.

4 SECTION 27. IC 31-25-2-6, AS ADDED BY P.L.145-2006,  
 5 SECTION 271, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2009]: Sec. 6. The report required under section  
 7 4 of this chapter must do the following:

8 (1) Indicate the department's progress in recruiting, training, and  
 9 retaining ~~caseworkers.~~ **family case managers.**

10 (2) Describe the methodology used to compute caseloads for each  
 11 ~~child protection caseworker.~~ **family case manager.**

12 (3) Indicate whether the statewide average caseloads for ~~child~~  
 13 ~~protection caseworkers~~ **family case managers** exceed the  
 14 caseload standards established by the department.

15 (4) If the report indicates that average caseloads exceed caseload  
 16 standards, include a written plan that indicates the steps that are  
 17 being taken to reduce caseloads.

18 (5) Identify, describe, and, if appropriate, recommend best  
 19 management practices and resources required to achieve effective  
 20 and efficient delivery of child protection services.

21 SECTION 28. IC 31-25-2-8, AS ADDED BY P.L.145-2006,  
 22 SECTION 271, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2009]: Sec. 8. **(a)** The department is the single  
 24 state agency responsible for administering the following:

25 (1) Title IV-B of the federal Social Security Act under 42 U.S.C.  
 26 620 et seq.

27 (2) Title IV-E of the federal Social Security Act under 42 U.S.C.  
 28 670 et seq.

29 (3) The federal Child Abuse Prevention and Treatment Act under  
 30 42 U.S.C. 5106 et seq.

31 (4) The federal Social Services Block Grant under 42 U.S.C. 1397  
 32 et seq.

33 (5) Any other federal program that provides funds to states for  
 34 services related to the prevention of child abuse and neglect, child  
 35 welfare services, foster care, independent living, or adoption  
 36 services.

37 **(b) This subsection applies beginning October 1, 2009. Under 42**  
 38 **U.S.C. 671(a)(32), the department shall negotiate in good faith with**  
 39 **any Indian tribe, tribal organization, or tribal consortium in the**  
 40 **state that requests to develop an agreement with the state to**  
 41 **administer all or part of Title IV-E of the federal Social Security**  
 42 **Act under 42 U.S.C. 670 et seq., on behalf of Indian children who**  
 43 **are under the authority of the tribe, tribal organization, or tribal**  
 44 **consortium.**

45 SECTION 29. IC 31-25-2-9, AS ADDED BY P.L.145-2006,  
 46 SECTION 271, IS AMENDED TO READ AS FOLLOWS  
 47 [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The department:

48 (1) must have sufficient qualified and trained staff to fulfill the  
 49 purpose of this article;

50 (2) must be organized to maximize the continuity of  
 51 responsibility, care, and service of individual caseworkers toward

individual children and families;

(3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an ~~investigation~~ **assessment** of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article ~~I~~, **1**, Section 11 of the Constitution of the State of Indiana.

(b) This section expires June 30, 2008.

SECTION 30. IC 31-25-2-10, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) This section applies after June 30, 2008.

(b) The department of child services:

(1) must have sufficient qualified and trained staff to:

(A) fulfill the purpose of this article;

(B) comply with the maximum caseload ratios for:

(i) ~~child protection caseworkers~~; **family case managers**;

and

(ii) child welfare caseworkers;

as set forth in IC 31-25-2-5;

(2) must be organized to maximize the continuity of responsibility, care, and service of individual ~~caseworkers~~ **family case managers** toward individual children and families;

(3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an ~~investigation~~ **assessment** of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article ~~I~~, **1**, Section 11 of the Constitution of the State of Indiana.

SECTION 31. IC 31-25-2-11, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Except in cases involving a child who may be a victim of institutional abuse or cases in which police investigation also appears appropriate, the department is the primary public agency responsible for:

- (1) receiving;
- (2) ~~investigating~~ **assessing** or arranging for ~~investigation;~~  
**assessment of;** and
- (3) coordinating **the assessment of;**

~~the investigation of~~ all reports of a child who may be a victim of known or suspected child abuse or neglect.

(b) In accordance with a local plan for child protection services, the department shall, by juvenile court order:

- (1) provide protection services to prevent cases where a child may be a victim of further child abuse or neglect; and
- (2) provide for or arrange for and coordinate and monitor the provision of the services necessary to ensure the safety of children.

(c) Reasonable efforts must be made to provide family services designed to prevent a child's removal from the child's parent, guardian, or custodian.

SECTION 32. IC 31-25-2-20.4, AS ADDED BY P.L.138-2007, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20.4. (a) The department shall establish at least three (3) citizen review panels in accordance with the requirements of the federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106a.

(b) A citizen review panel consists of volunteer members who broadly represent the community in which the panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

(c) The department shall appoint the citizen review panels in the following manner:

- (1) One (1) panel must be a community child protection team established in a county under IC 31-33-3-1, selected by the director of the department with the consent of the team.
- (2) One (1) panel must be either:
  - (A) the statewide child fatality review committee established under IC 31-33-25-6; or
  - (B) a local child fatality review team established under IC 31-33-24-6;

selected by the director of the department with the consent of the committee or team.

- (3) One (1) panel must be a foster care advisory panel consisting of at least five (5) and not more than eleven (11) members, selected to the extent feasible from the membership of any foster care advisory group previously established or recognized by the department. If the panel consists of seven (7) or fewer members, the panel must include at least one (1) foster parent licensed by the department through a county office and one (1) foster parent licensed by the department through a child placing agency licensed under IC 31-27-6. If the panel consists of more than seven (7) members, the panel must include two (2) foster parents licensed by the department through a county office and two (2) foster parents licensed by the department through a child placing agency licensed under IC 31-27-6. Additional members of the

panel must include one (1) or more individuals who are employed by a child placing agency licensed under IC 31-27-6 and who provide services to foster families and children placed by the department in out-of-home placements, and may include other representatives of child welfare service providers or persons who provide training to current or prospective foster parents. All members of this panel must be individuals who are not employees of the department.

(4) The membership of any additional citizen review panels established under this section shall be determined by the director of the department, consistent with the guidelines for panel membership stated in subsection (b) and the purposes and functions of the panels as described in this section.

(5) Each citizen review panel shall be appointed for a term of three (3) years beginning July 1, 2007. Upon expiration of the term of the panel described in subdivision (1), the director of the department shall select a community child protection team established in a different county for the succeeding term. Upon expiration of the term of the panel described in subdivision (2), the director of the department shall select a different fatality review team, or committee, if available, for the succeeding term. Panels appointed under subdivision (3) or (4) may be reappointed for successive terms, in the discretion of the director of the department. The director may appoint individuals as needed to fill vacancies that occur during the term of any panel appointed under subdivision (3) or (4).

(d) A citizen review panel shall evaluate the extent to which a child welfare agency is effectively discharging the agency's child protection responsibilities by examining:

- (1) the policies and procedures of child welfare agencies;
- (2) if appropriate, specific child protective services cases; and
- (3) other criteria the citizen review panel considers important to ensure the protection of children.

(e) Each citizen review panel shall:

- (1) meet at least one (1) time every three (3) months; and
- (2) prepare and make available to the department and the public an annual report that contains a summary of the activities of the citizen review panel.

(f) The department shall, not more than six (6) months after the date the department receives a report from a citizen review panel under subsection (e), submit to the citizen review panel a written response indicating whether and how the department will incorporate the recommendations of the citizen review panel. The department shall at the same time provide appropriate child welfare agencies with copies of the department's written response.

(g) A child welfare agency shall make all reports and other materials in the child welfare agency's possession available to a citizen review panel established under this section, including any reports and materials that the child welfare agency has received from other agencies.

(h) A member of a citizen review panel may not disclose to a person

or government official any identifying information that is provided to the citizen review panel about:

- (1) a specific child protective services case or child welfare agency case;
- (2) a child or member of the child's family who is the subject of a child protective services ~~investigation~~; **assessment**; or
- (3) any other individuals identified in confidential reports, documents, or other materials.

(i) If a member of a citizen review panel violates subsection (h), the department may remove the member from the citizen review panel.

(j) A child welfare agency shall cooperate and work with each citizen review panel established under this section.

SECTION 33. IC 31-25-2-21, AS ADDED BY P.L.143-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) As used in this section, "transitional services plan" means a plan that provides information concerning the following to an individual described in subsection (b):

- (1) Education.
- (2) Employment.
- (3) Housing.
- (4) Health care.
- (5) Development of problem solving skills.
- (6) Available local, state, and federal financial assistance.

(b) The department shall implement a program that provides a transitional services plan to the following:

- (1) An individual who has become or will become:
  - (A) eighteen (18) years of age; or
  - (B) emancipated; while receiving foster care.
- (2) An individual who:
  - (A) is at least eighteen (18) but less than twenty-one (21) years of age; and
  - (B) is receiving foster care for older youth under IC 31-28-5.7.

(c) The department shall adopt rules under IC 4-22-2, **including emergency rules under IC 4-22-2-37.1**, necessary to implement the program described in this section.

SECTION 34. IC 31-25-4-32, AS AMENDED BY P.L.103-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. (a) When the Title IV-D agency finds that an obligor is delinquent, ~~and can demonstrate that all previous enforcement actions have been unsuccessful~~, the Title IV-D agency shall send, to a verified address, a notice to the obligor that does the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:
  - (A) pays the obligor's child support arrearage in full;
  - (B) establishes a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order; or

(C) requests a hearing under section 33 of this chapter;  
 within twenty (20) days after the date the notice is mailed, the  
 Title IV-D agency shall issue an order to the bureau of motor  
 vehicles stating that the obligor is delinquent and that the  
 obligor's driving privileges shall be suspended.

(4) Explains that the obligor has twenty (20) days after the notice  
 is mailed to do one (1) of the following:

(A) Pay the obligor's child support arrearage in full.

(B) Establish a payment plan with the Title IV-D agency to  
 pay the arrearage, which includes an income withholding order  
 under IC 31-16-15-2 or IC 31-16-15-2.5.

(C) Request a hearing under section 33 of this chapter.

(5) Explains that if the obligor has not satisfied any of the  
 requirements of subdivision (4) within twenty (20) days after the  
 notice is mailed, that the Title IV-D agency shall issue a notice to:

(A) the board or department that regulates the obligor's  
 profession or occupation, if any, that the obligor is delinquent  
 and that the obligor may be subject to sanctions under  
 IC 25-1-1.2, including suspension or revocation of the  
 obligor's professional or occupational license;

(B) the supreme court disciplinary commission if the obligor  
 is licensed to practice law;

(C) the department of education established by IC 20-19-3-1  
 if the obligor is a licensed teacher;

(D) the Indiana horse racing commission if the obligor holds  
 or applies for a license issued under IC 4-31-6;

(E) the Indiana gaming commission if the obligor holds or  
 applies for a license issued under IC 4-33;

(F) the commissioner of the department of insurance if the  
 obligor holds or is an applicant for a license issued under  
 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or

(G) the director of the department of natural resources if the  
 obligor holds or is an applicant for a license issued by the  
 department of natural resources under the following:

(i) IC 14-22-12 (fishing, hunting, and trapping licenses).

(ii) IC 14-22-14 (Lake Michigan commercial fishing  
 license).

(iii) IC 14-22-16 (bait dealer's license).

(iv) IC 14-22-17 (mussel license).

(v) IC 14-22-19 (fur buyer's license).

(vi) IC 14-24-7 (nursery dealer's license).

(vii) IC 14-31-3 (ginseng dealer's license).

(6) Explains that the only basis for contesting the issuance of an  
 order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's  
 determination to issue an order under subdivision (3) or (5) by  
 making written application to the Title IV-D agency within twenty  
 (20) days after the date the notice is mailed.

(8) Explains the procedures to:

(A) pay the obligor's child support arrearage in full; and

(B) establish a payment plan with the Title IV-D agency to pay



- 1           the arrearage, which must include an income withholding  
2           order under IC 31-16-15-2 or IC 31-16-15-2.5.
- 3           (b) Whenever the Title IV-D agency finds that an obligor is  
4 delinquent and has failed to:
- 5           (1) pay the obligor's child support arrearage in full;  
6           (2) establish a payment plan with the Title IV-D agency to pay the  
7           arrearage, which includes an income withholding order under  
8           IC 31-16-15-2 or IC 31-16-15-2.5; or  
9           (3) request a hearing under section 33 of this chapter within  
10          twenty (20) days after the date the notice described in subsection  
11          (a) is mailed;
- 12          the Title IV-D agency shall issue an order to the bureau of motor  
13          vehicles stating that the obligor is delinquent.
- 14          (c) An order issued under subsection (b) must require the following:
- 15               (1) If the obligor who is the subject of the order holds a driving  
16               license or permit on the date the order is issued, that the driving  
17               privileges of the obligor be suspended until further order of the  
18               Title IV-D agency.  
19               (2) If the obligor who is the subject of the order does not hold a  
20               driving license or permit on the date the order is issued, that the  
21               bureau of motor vehicles may not issue a driving license or permit  
22               to the obligor until the bureau of motor vehicles receives a further  
23               order from the Title IV-D agency.
- 24          (d) The Title IV-D agency shall provide the:
- 25               (1) full name;  
26               (2) date of birth;  
27               (3) verified address; and  
28               (4) Social Security number or driving license number;  
29          of the obligor to the bureau of motor vehicles.
- 30          (e) Whenever the Title IV-D agency finds that an obligor who is an  
31          applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in  
32          IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed  
33          to:
- 34               (1) pay the obligor's child support arrearage in full;  
35               (2) establish a payment plan with the Title IV-D agency to pay the  
36               arrearage, which includes an income withholding order under  
37               IC 31-16-15-2 or IC 31-16-15-2.5; or  
38               (3) request a hearing under section 33 of this chapter;
- 39          the Title IV-D agency shall issue an order to the board regulating the  
40          practice of the obligor's profession or occupation stating that the  
41          obligor is delinquent.
- 42          (f) An order issued under subsection (e) must direct the board or  
43          department regulating the obligor's profession or occupation to impose  
44          the appropriate sanctions described under IC 25-1-1.2.
- 45          (g) Whenever the Title IV-D agency finds that an obligor who is an  
46          attorney or a licensed teacher is delinquent and the attorney or licensed  
47          teacher has failed to:
- 48               (1) pay the obligor's child support arrearage in full;  
49               (2) establish a payment plan with the Title IV-D agency to pay the  
50               arrearage, which includes an income withholding order under  
51               IC 31-16-15-2 or IC 31-16-15-2.5; or

(3) request a hearing under section 33 of this chapter;  
 the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the department of education if the obligor is a licensed teacher, that the obligor is delinquent.

(h) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(3) request a hearing under section 33 of this chapter;  
 the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(3) request a hearing under section 33 of this chapter;  
 the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) Whenever the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(3) request a hearing under section 33 of this chapter;  
 the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 35. IC 31-27-2-4, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The department shall adopt rules under IC 4-22-2, **including emergency rules under IC 4-22-2-37.1**, concerning the licensing and inspection of child caring institutions, foster family homes, group homes, and child placing agencies after consultation with the following:

- (1) State department of health.

(2) Fire prevention and building safety commission.

(b) The rules adopted under subsection (a) shall be applied by the department and state fire marshal in the licensing and inspection of applicants for a license and licensees under this article.

(c) The rules adopted under IC 4-22-2 must establish minimum standards for the care and treatment of children in a secure private facility.

(d) The rules described in subsection (c) must include standards governing the following:

(1) Admission criteria.

(2) General physical and environmental conditions.

(3) Services and programs to be provided to confined children.

(4) Procedures for ongoing monitoring and discharge planning.

(5) Procedures for the care and control of confined persons that are necessary to ensure the health, safety, and treatment of confined children.

(e) The department shall license a facility as a private secure facility if the facility:

(1) meets the minimum standards required under subsection (c);

(2) provides a continuum of care and services; and

(3) is:

(A) licensed under IC 12-25, IC 16-21-2, or IC 31-27-3; or

(B) a unit of a facility licensed under IC 12-25 or IC 16-21-2; regardless of the facility's duration of or previous licensure as a child caring institution.

(f) A waiver of the rules may not be granted for treatment and reporting requirements.

SECTION 36. IC 31-27-4-2, AS AMENDED BY P.L.143-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A person may not operate a therapeutic foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a license issued under this article.

(c) The department may issue a license only for a therapeutic foster family home that meets:

(1) all the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a therapeutic foster family home license must do the following:

(1) Be licensed as a foster parent under 465 IAC 2-1-1 et seq.

(2) Participate in preservice training that includes:

(A) preservice training to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(B) additional preservice training in therapeutic foster care.

(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and, annually thereafter, participate in training that includes:

(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training in order to be licensed as a therapeutic foster parent under this chapter.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The department may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home.

(g) A therapeutic foster family home may provide care for an individual receiving foster care for older youth under IC 31-28-5.7-1 if the individual is no longer under the care and supervision of a juvenile court.

(h) An individual who receives foster care for older youth under IC 31-28-5.7-1 in a therapeutic foster family home shall not be considered in determining whether the therapeutic foster family home meets or exceeds the limit set forth in subsection (f).

(i) The department shall adopt rules under IC 4-22-2, **including emergency rules under IC 4-22-2-37.1**, necessary to carry out this section, including rules governing the number of hours of training required under subsections (d) and (e).

SECTION 37. IC 31-27-4-3, AS AMENDED BY P.L.143-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A person may not operate a special needs foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a special needs foster family home without a license issued under this article.

(c) The department may only issue a license for a special needs foster family home that meets:

- (1) all the licensing requirements of a foster family home; and
- (2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 465 IAC 2-1-1 et seq. that includes participating in preservice training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and, annually thereafter, participate in training that includes:

- (1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and
- (2) additional training that includes specialized training to meet the child's or individual's specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

- (1) eight (8) individuals, each of whom:
  - (A) is less than eighteen (18) years of age; or
  - (B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or

(2) four (4) individuals less than six (6) years of age; including the children or individuals for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision in the home at the same time. Not more than four (4) of the eight (8) individuals described in subdivision (1) may be less than six (6) years of age. The department may grant an exception to this section whenever the department determines that the placement of siblings in the same special needs foster home is desirable.

(g) An individual who receives foster care for older youth under IC 31-28-5.7-1 in a special needs foster family home shall not be considered in determining whether the special needs foster family home meets or exceeds the limit set forth in subsection (f)(1).

(h) The department shall consider the specific needs of each special needs foster child or individual whenever the department determines the appropriate number of children or individuals to place in the special needs foster home under subsection (f). The department may require a special needs foster family home to provide care and supervision to less than the maximum number of children or individuals allowed under subsection (f) upon consideration of the specific needs of a special needs foster child or individual.

(i) A special needs foster family home may provide care for an individual receiving foster care for older youth under IC 31-28-5.7-1 if the individual is no longer under the care and supervision of a juvenile court.

(j) The department shall adopt rules under IC 4-22-2, **including emergency rules under IC 4-22-2-37.1**, necessary to carry out this section, including rules governing the number of hours of training required under subsection (e).

SECTION 38. IC 31-30-1-2.5, AS ADDED BY P.L.173-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child **or permit a person to continue to serve as a guardian or custodian of a child** if the person: ~~is:~~

(1) **is** a sexually violent predator (as described in IC 35-38-1-7.5);

~~or~~

(2) ~~a person who~~ was at least eighteen (18) years of age at the time of the offense and ~~who~~ committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; **or**

**(3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of:**

**(A) an offense described in:**

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2;

(iii) IC 35-42-4-3 as a Class A or Class B felony;

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

- (vi) IC 35-42-4-5(a)(3);
- (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony;
- (viii) IC 35-42-4-5(b)(2); or
- (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony;
- (B) an attempt or conspiracy to commit a crime listed in clause (A); or
- (C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 39. IC 31-33-3-7, AS AMENDED BY P.L.146-2008, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The community child protection team shall prepare a periodic report regarding the child abuse and neglect reports and complaints that the team reviews under this chapter.

(b) The periodic report may include the following information:

- (1) The number of complaints under section 6 of this chapter that the team receives and reviews each month.
- (2) A description of the child abuse and neglect reports that the team reviews each month, including the following information:
  - (A) The scope and manner of the interviewing process during the child abuse or neglect ~~investigation~~ **assessment**.
  - (B) The timeliness of the ~~investigation~~ **assessment**.
  - (C) The number of children removed from the home.
  - (D) The types of services offered.
  - (E) The number of child abuse and neglect cases filed with a court.
  - (F) The reasons that certain child abuse and neglect cases are not filed with a court.

SECTION 40. IC 31-33-7-6.5, AS AMENDED BY P.L.234-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.5. Child abuse or neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:

- (1) an ~~investigation~~ **assessment** by the department of a report of a child who may be a victim of child abuse or neglect; or
- (2) a court proceeding.

SECTION 41. IC 31-33-7-7, AS AMENDED BY P.L.234-2005, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, the law enforcement agency shall:

- (1) immediately communicate the report to the department, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare; and
- (2) conduct an immediate, onsite ~~investigation~~ **assessment** of the report along with the department whenever the law enforcement agency has reason to believe that an offense has been committed.

(b) In all cases, the law enforcement agency shall forward any information, including copies of ~~investigation~~ **assessment** reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to:

- (1) the department; and
- (2) the juvenile court under IC 31-34-7.

SECTION 42. IC 31-33-7-8, AS AMENDED BY P.L.234-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies if the department receives a report of suspected child abuse or neglect from:

- (1) a hospital;
- (2) a community mental health center;
- (3) a managed care provider (as defined in IC 12-7-2-127(b));
- (4) a referring physician;
- (5) a dentist;
- (6) a licensed psychologist; or
- (7) a school.

(b) Not later than thirty (30) days after the date the department receives a report of suspected child abuse or neglect from a person described in subsection (a), the department shall send a report to:

- (1) the administrator of the hospital;
- (2) the community mental health center;
- (3) the managed care provider;
- (4) the referring physician;
- (5) the dentist; or
- (6) the principal of the school.

The report must contain the items listed in subsection (e) that are known at the time the report is sent.

(c) Not later than ninety (90) days after the date the department receives a report of suspected child abuse or neglect, the department shall send a report that contains any additional items listed in subsection (e) that were not covered in the prior report if available.

(d) The administrator, director, referring physician, dentist, licensed psychologist, or principal may appoint a designee to receive the report.

(e) A report made by the department under this section must contain the following information:

- (1) The name of the alleged victim of child abuse or neglect.
- (2) The name of the alleged perpetrator and the alleged perpetrator's relationship to the alleged victim.
- (3) Whether the case is closed.
- (4) Whether information concerning the case has been expunged.
- (5) The name of any agency to which the alleged victim has been referred.
- (6) Whether the department has made an ~~investigation~~ **assessment** of the case and has not taken any further action.
- (7) Whether a substantiated case of child abuse or neglect was informally adjusted.
- (8) Whether the alleged victim was referred to the juvenile court as a child in need of services.
- (9) Whether the alleged victim was returned to the victim's home.
- (10) Whether the alleged victim was placed in residential care

outside the victim's home.

(11) Whether a wardship was established for the alleged victim.

(12) Whether criminal action is pending or has been brought against the alleged perpetrator.

(13) A brief description of any casework plan that has been developed by the department.

(14) The caseworker's name and telephone number.

(15) The date the report is prepared.

(16) Other information that the department may prescribe.

(f) A report made under this section:

(1) is confidential; and

(2) may be made available only to:

(A) the agencies named in this section; and

(B) the persons and agencies listed in IC 31-33-18-2.

SECTION 43. IC 31-33-8-1, AS AMENDED BY P.L.124-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The department shall initiate an ~~immediate~~ and appropriately thorough child protection ~~investigation~~ **assessment** of every report of known or suspected child abuse or neglect the department receives, whether in accordance with this article or otherwise.

**(b) If the department believes that a child is in imminent danger of serious bodily harm, the department shall initiate an onsite assessment immediately, but not later than one (1) hour, after receiving the report.**

~~(b) Subject to subsections (d) and (e);~~ (c) If the report alleges a child may be a victim of child abuse, the ~~investigation~~ **assessment** shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

~~(c) Subject to subsections (d) and (e);~~ (d) If reports of child neglect are received, the ~~investigation~~ **assessment** shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

**(e) If the report alleges that a child lives with a parent, guardian, or custodian who is married to or lives with a person who:**

**(1) has been convicted of:**

**(A) neglect of a dependent under IC 35-46-1-4; or**

**(B) a battery offense under IC 35-42-4; or**

**(2) is required to register as a sex or violent offender under IC 11-8-8;**

**the department shall initiate an assessment within a reasonably prompt time, but not later than five (5) days after the department receives the report, with the primary consideration being the well-being of the child who is the subject of the report.**

~~(d) (f)~~ If the ~~immediate~~ safety or well-being of a child appears to be endangered or the facts otherwise warrant, the ~~investigation~~ **assessment** shall be initiated regardless of the time of day.

~~(e)~~ If the department has reason to believe that the child is in imminent danger of serious bodily harm, the department shall initiate



1 ~~within one (1) hour an immediate, onsite investigation.~~

2 ~~(f)~~ (g) If a report alleges abuse or neglect and involves a child care  
3 ministry that is exempt from licensure under IC 12-17.2-6, the  
4 department and the appropriate law enforcement agency shall jointly  
5 conduct an investigation. The investigation shall be conducted under  
6 the requirements of this section and section 2(b) of this chapter.

7 SECTION 44. IC 31-33-8-3, AS AMENDED BY P.L.234-2005,  
8 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Except as provided in  
10 subsection (b), the department shall:

11 (1) cause color photographs to be taken of the areas of trauma  
12 visible on a child who is subject to a report; and

13 (2) if medically indicated, cause a radiological examination of the  
14 child to be performed.

15 (b) If the law enforcement agency participates in the ~~investigation,~~  
16 **assessment**, the law enforcement agency shall cause the color  
17 photographs to be taken as provided by this section.

18 (c) The department shall reimburse the expenses of the photographs  
19 and x-rays.

20 SECTION 45. IC 31-33-8-6, AS AMENDED BY P.L.234-2005,  
21 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2009]: Sec. 6. The department shall promptly  
23 make a thorough ~~investigation~~ **assessment** upon either the oral or  
24 written report. The primary purpose of the ~~investigation~~ **assessment** is  
25 the protection of the child.

26 SECTION 46. IC 31-33-8-7, AS AMENDED BY P.L.234-2005,  
27 SECTION 122, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The department's  
29 ~~investigation,~~ **assessment**, to the extent that is reasonably possible,  
30 must include the following:

31 (1) The nature, extent, and cause of the known or suspected child  
32 abuse or neglect.

33 (2) The identity of the person allegedly responsible for the child  
34 abuse or neglect.

35 (3) The names and conditions of other children in the home.

36 (4) An evaluation of the parent, guardian, custodian or person  
37 responsible for the care of the child.

38 (5) The home environment and the relationship of the child to the  
39 parent, guardian, or custodian or other persons responsible for the  
40 child's care.

41 (6) All other data considered pertinent.

42 (b) The ~~investigation~~ **assessment** may include the following:

43 (1) A visit to the child's home.

44 (2) An interview with the subject child.

45 (3) A physical, psychological, or psychiatric examination of any  
46 child in the home.

47 (c) If:

48 (1) admission to the home, the school, or any other place that the  
49 child may be; or

50 (2) permission of the parent, guardian, custodian, or other persons  
51 responsible for the child for the physical, psychological, or

1 psychiatric examination;  
 2 under subsection (b) cannot be obtained, the juvenile court, upon good  
 3 cause shown, shall follow the procedures under IC 31-32-12.

4 SECTION 47. IC 31-33-8-8, AS AMENDED BY P.L.234-2005,  
 5 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) If, before the ~~investigation~~  
 7 **assessment** is complete, the opinion of the law enforcement agency or  
 8 the department is that immediate removal is necessary to protect the  
 9 child from further abuse or neglect, the juvenile court may issue an  
 10 order under IC 31-32-13.

11 (b) The department shall make a complete written report of the  
 12 ~~investigation~~ **assessment**.

13 (c) If a law enforcement agency participates in the ~~investigation~~,  
 14 **assessment**, the law enforcement agency shall also make a complete  
 15 written report of the ~~investigation~~ **assessment**.

16 SECTION 48. IC 31-33-8-9, AS AMENDED BY P.L.234-2005,  
 17 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The department's report under  
 19 section 8 of this chapter shall be made available to:

- 20 (1) the appropriate court;
- 21 (2) the prosecuting attorney; or
- 22 (3) the appropriate law enforcement agency;

23 upon request.

24 (b) If child abuse or neglect is substantiated after an ~~investigation~~  
 25 **assessment** is conducted under section 7 of this chapter, the  
 26 department shall forward its report to the office of the prosecuting  
 27 attorney having jurisdiction in the county in which the alleged child  
 28 abuse or neglect occurred.

29 (c) If the ~~investigation~~ **assessment** substantiates a finding of child  
 30 abuse or neglect as determined by the department, a report shall be sent  
 31 to the coordinator of the community child protection team under  
 32 IC 31-33-3.

33 SECTION 49. IC 31-33-8-10 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. If the law  
 35 enforcement agency participates in the child abuse or neglect  
 36 ~~investigation~~ **assessment**, the law enforcement agency shall forward  
 37 all information, including copies of an ~~investigation~~ **assessment** report  
 38 under section 7 of this chapter, on an incident in which a child may be  
 39 a victim of alleged child abuse or neglect, whether obtained under this  
 40 article or not, to the office of the prosecuting attorney.

41 SECTION 50. IC 31-33-8-12, AS AMENDED BY P.L.234-2005,  
 42 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Upon completion of an  
 44 ~~investigation~~ **assessment**, the department shall classify reports as  
 45 substantiated ~~indicated~~; or unsubstantiated.

46 (b) ~~Except as provided in subsection (c), the department shall~~  
 47 ~~expunge investigation records one (1) year after a report has been~~  
 48 ~~classified as indicated under subsection (a):~~

49 (c) ~~If the department has:~~

- 50 (1) ~~classified a report under subsection (a) as indicated; and~~
- 51 (2) ~~not expunged the report under subsection (b);~~

and the subject of the report is the subject of a subsequent report, the one (1) year period in subsection (b) is tolled for one (1) year after the date of the subsequent report.

SECTION 51. IC 31-33-11-1, AS AMENDED BY P.L.234-2005, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Whenever:

- (1) a child is subject to ~~investigation~~ **assessment** by the department for reported child abuse or neglect;
- (2) the child is a patient in a hospital; and
- (3) the hospital has reported or has been informed of the report and ~~investigation~~ **assessment**;

the hospital may not release the child to the child's parent, guardian, custodian, or to a court approved placement until the hospital receives authorization or a copy of a court order from the department indicating that the child may be released to the child's parent, guardian, custodian, or court approved placement.

(b) If the authorization that is granted under this section is verbal, the department shall send a letter to the hospital confirming that the department has granted authorization for the child's release.

(c) The individual or third party payor responsible financially for the hospital stay of the child remains responsible for any extended stay under this section. If no party is responsible for the extended stay, the department shall pay the expenses of the extended hospital stay.

SECTION 52. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to records held by:

- (1) the division of family resources;
- (2) a county office;
- (3) the department;
- (4) a local child fatality review team established under IC 31-33-24; or
- (5) the statewide child fatality review committee established under IC 31-33-25;

regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or
- (2) a prosecuting attorney files:
  - (A) an indictment or information; or
  - (B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in

subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) As used in this section:

(1) "identifying information" means information that identifies an individual, including an individual's:

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(d) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(e) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(f) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (c)(1)(B) through (c)(1)(F) of a person; and

(2) all identifying information of a child less than eighteen (18) years of age.

(g) The court shall disclose the record redacted in accordance with subsection (f) to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

**(h) The data and information in a record disclosed under this section must include the following:**

**(1) A summary of the report of abuse or neglect and a factual description of the contents of the report.**

**(2) The date of birth and gender of the child.**

(3) The cause of the fatality or near fatality, if the cause has been determined.

(4) Whether the department or the office of the secretary of family and social services had any contact with the child or a member of the child's family or household before the fatality or near fatality, and, if the department or the office of the secretary of family and social services had contact, the following:

(A) The frequency of the contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality.

(B) A summary of the status of the child's case at the time of the fatality or near fatality, including:

(i) whether the child's case was closed by the department or the office of the secretary of family and social services before the fatality or near fatality; and

(ii) if the child's case was closed as described under item (i), the reasons that the case was closed.

~~(h)~~ (i) The court's determination under subsection (f) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

SECTION 53. IC 31-33-18-4, AS AMENDED BY P.L.234-2005, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Whenever a child abuse or neglect ~~investigation~~ **assessment** is conducted under this article, the department shall give verbal and written notice to each parent, guardian, or custodian of the child that:

(1) the reports and information described under section 1 of this chapter relating to the child abuse or neglect ~~investigation~~; **assessment**; and

(2) if the child abuse or neglect allegations are pursued in juvenile court, the juvenile court's records described under IC 31-39; are available upon the request of the parent, guardian, or custodian except as prohibited by federal law.

(b) A parent, guardian, or custodian requesting information under this section may be required to sign a written release form that delineates the information that is requested before the information is made available. However, no other prerequisites for obtaining the information may be placed on the parent, guardian, or custodian except for reasonable copying costs.

SECTION 54. IC 31-33-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) An individual who knowingly requests, obtains, or seeks to obtain child abuse or neglect information under false pretenses commits a Class B misdemeanor.

(b) A person who knowingly or intentionally:

(1) falsifies child abuse or neglect information or records; or

(2) obstructs or interferes with a child abuse ~~investigation,~~  
~~assessment~~, including an ~~investigation~~ **assessment** conducted by  
 a local child fatality review team or the statewide child fatality  
 review committee;

commits obstruction of a child abuse ~~investigation,~~ **assessment**, a Class  
 A misdemeanor.

SECTION 55. IC 31-33-22-3, AS AMENDED BY P.L.234-2005,  
 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A person who intentionally  
 communicates to:

(1) a law enforcement agency; or

(2) the department;

a report of child abuse or neglect knowing the report to be false  
 commits a Class A misdemeanor. However, the offense is a Class D  
 felony if the person has a previous unrelated conviction for making a  
 report of child abuse or neglect knowing the report to be false.

(b) A person who intentionally communicates to:

(1) a law enforcement agency; or

(2) the department;

a report of child abuse or neglect knowing the report to be false is  
 liable to the person accused of child abuse or neglect for actual  
 damages. The finder of fact may award punitive damages and attorney's  
 fees in an amount determined by the finder of fact against the person.

(c) The director or the director's designee shall, after review by the  
 department's attorney, notify the prosecuting attorney whenever the  
 director or the director's designee and the department's attorney have  
 reason to believe that a person has violated this section.

(d) A person who:

(1) has reason to believe that the person is a victim of a false  
 report of child abuse or neglect under this section; and

(2) is not named in a pending criminal charge or under  
~~investigation~~ **assessment** relating to the report;

may file a complaint with the prosecuting attorney. The prosecuting  
 attorney shall review the relevant child abuse or neglect records of the  
 department and any other relevant evidence.

SECTION 56. IC 31-33-26-3, AS ADDED BY P.L.138-2007,  
 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2009]: Sec. 3. In addition to the equipment needed to  
 establish, operate, and maintain the index, the index must include the  
 following components:

(1) One (1) computer to be purchased for every two (2) ~~child~~  
~~welfare caseworkers.~~ **family case managers.**

(2) Automated risk assessment in which a ~~child welfare~~  
~~caseworker~~ **family case manager** or supervisor is able to review  
 a substantiated child abuse or neglect case to determine prior case  
 history during the intake, ~~investigation,~~ assessment, and case  
 management processes.

(3) The capability to allow supervisors to monitor child abuse and  
 neglect cases and reports relating to the cases.

(4) The automated production of standard reports to enable the  
 automated compilation of information gathered on forms used by

~~child welfare caseworkers~~ **family case managers** to report the information and results of child abuse and neglect cases. The index must also provide for the automation of other data for planning and evaluation as determined by the department.

(5) The capability of same day notification and transfer of statistical information to the department regarding new and closed child abuse and neglect cases.

(6) The enabling of child welfare supervisors to review a child abuse or neglect determination at any point after the ~~investigation~~ **assessment** is initially classified as substantiated abuse or neglect, to confirm the status of the case, and to allow for the consolidated management of cases.

(7) The capability for adjusting the index's programming at a later date if additional reporting requirements occur.

(8) A word processing capability to allow case notes to be recorded with each substantiated child abuse and neglect case.

SECTION 57. IC 31-33-26-15, AS ADDED BY P.L.138-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) The department shall expunge a substantiated report contained within the index as follows:

(1) Not later than ten (10) working days after any of the following occurs:

(A) A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.

(B) An administrative hearing officer under this chapter finds that the child abuse or neglect report is unsubstantiated.

(C) A court having juvenile jurisdiction enters an order for expungement of the report under IC 31-33-7-6.5.

(2) Not later than twenty (20) years after a court determines that a child is a child in need of services based upon the report.

(b) The department shall amend a substantiated report contained in the index by deleting the name of an alleged perpetrator if:

(1) a court having jurisdiction over a child in need of services proceeding; or

(2) an administrative hearing officer under this chapter;

finds that the person was not a perpetrator of the child abuse or neglect that occurred.

(c) If subsection (a) does not apply, the department shall expunge the substantiated report not later than the date on which any child who is named in the report as a victim of child abuse or neglect becomes twenty-four (24) years of age.

~~(d) The department shall expunge an indicated report contained in the index at the time specified in IC 31-33-8-12.~~

~~(e)~~ **(d)** The department shall expunge an unsubstantiated report contained in the index not later than six (6) months after the date the report was entered into the index.

SECTION 58. IC 31-34-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. A child in need of services under section 1, 2, 3, 4, 5, 6, 7, or 8 of this chapter includes a child with a disability who:

- (1) is deprived of nutrition that is necessary to sustain life; or
- (2) is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition;

if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

SECTION 59. IC 31-34-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) If a child is removed from the child's parents under this chapter, within thirty (30) days after the removal of the child from the parents the department shall exercise due diligence to identify and provide notice of the removal to:**

- (1) all adult relatives (as defined in IC 31-9-2-107) of the child, including relatives suggested by either parent as required under 42 U.S.C. 671(a)(29); and**
- (2) all the child's siblings who are at least eighteen (18) years of age.**

**(b) The department may not provide notice to a person under subsection (a) if the department knows or suspects that the person has caused family or domestic violence.**

**(c) A notice under subsection (a) must:**

- (1) state that the child has been removed from the parents by the department;**
- (2) set forth the options the relative may have under federal, state, or local laws, including the care and placement of the child and other options that may be lost if the relative fails to respond to the notice;**
- (3) describe the requirements for the relative to become a foster parent; and**
- (4) describe additional services available to the child placed in foster care.**

SECTION 60. IC 31-34-5-1, AS AMENDED BY P.L.138-2007, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) If a child taken into custody under IC 31-34-2 is not released, a detention hearing shall be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees as provided under IC 1-1-9, after the child is taken into custody. If the detention hearing is not held, the child shall be released. Notice of the time, place, and purpose of the detention hearing shall be given to the following:**

- (1) The child.**
- (2) The child's parent, guardian, or custodian if the person can be located.**
- (3) Each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-34-4.**

**(b) The court shall:**

- (1) provide a person who is required to be notified under subsection (a)(2) or (a)(3) an opportunity to be heard; and**
- (2) allow a person described in subdivision (1) to make**



1 recommendations to the court;  
2 at the detention hearing.

3 **(c) A petition alleging that a child described in subsection (a) is**  
4 **a child in need of services shall be filed before a detention hearing**  
5 **is held for the child.**

6 SECTION 61. IC 31-34-5-1.5, AS AMENDED BY P.L.138-2007,  
7 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2009]: Sec. 1.5. (a) This section applies to a child taken into  
9 custody under IC 31-34-2.5.

10 (b) The juvenile court shall hold a detention hearing after an  
11 emergency medical services provider takes custody of a child under  
12 IC 31-34-2.5. The court shall hold the detention hearing not later than  
13 forty-eight (48) hours after the emergency medical services provider  
14 takes the child into custody, excluding Saturdays, Sundays, and any day  
15 on which a legal holiday is observed for state employees as provided  
16 under IC 1-1-9. **A petition alleging that a child described in**  
17 **subsection (a) is a child in need of services shall be filed before the**  
18 **detention hearing is held for the child.**

19 (c) The department may notify the emergency medical services  
20 provider that has taken emergency custody of a child under  
21 IC 31-34-2.5 of the detention hearing. The emergency medical services  
22 provider may be heard at the detention hearing.

23 (d) The department shall notify each foster parent or other caretaker  
24 with whom the child has been temporarily placed under IC 31-34-2.5  
25 of the detention hearing. The court shall:

- 26 (1) provide a person who is required to be notified under this
- 27 subsection an opportunity to be heard; and
- 28 (2) allow a person described in subdivision (1) to make
- 29 recommendations to the court;

30 at the detention hearing.

31 SECTION 62. IC 31-34-10-2, AS AMENDED BY P.L.138-2007,  
32 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2009]: Sec. 2. (a) The juvenile court shall hold an initial  
34 hearing on each petition.

35 (b) The juvenile court shall set a time for the initial hearing. A  
36 summons shall be issued for the following:

- 37 (1) The child.
- 38 (2) The child's parent, guardian, custodian, guardian ad litem, or
- 39 court appointed special advocate.
- 40 (3) Any other person necessary for the proceedings.

41 (c) A copy of the petition must accompany each summons. The  
42 clerk shall issue the summons under Rule 4 of the Indiana Rules of  
43 Trial Procedure.

44 ~~(d) If the child has been detained following a detention hearing~~  
45 ~~under IC 31-34-5, an initial hearing shall be scheduled and held not~~  
46 ~~later than seven (7) days after the date of the detention order, excluding~~  
47 ~~Saturdays, Sundays, and any day on which a legal holiday is observed~~  
48 ~~for state employees as provided under IC 1-1-9.~~

49 ~~(e)~~ (d) If the initial hearing is not scheduled and held within the  
50 specified time as described in this section, the child shall be released  
51 to the child's parent, guardian, or custodian.

1       ~~(f)~~ **(e)** The court may schedule an additional initial hearing on the  
 2 child in need of services petition if necessary to comply with the  
 3 procedures and requirements of this chapter with respect to any person  
 4 to whom a summons has been issued under this section.

5       ~~(g)~~ **(f)** An additional initial hearing on the child in need of services  
 6 petition shall be held not more than thirty (30) calendar days after the  
 7 date of the first initial hearing on the child in need of services petition,  
 8 unless the court has:

9           (1) granted an extension of time for extraordinary circumstances;

10          and

11          (2) stated the extraordinary circumstance in a written court order.

12       ~~(h)~~ **(g)** The department shall provide notice of the date, time, place,  
 13 and purpose of the initial hearing and any additional initial hearing  
 14 scheduled under this section to each foster parent or other caretaker  
 15 with whom the child has been temporarily placed under IC 31-34-2.5,  
 16 IC 31-34-4, or IC 31-34-5. The court shall:

17          (1) provide a:

18           (A) person for whom a summons is required to be issued under  
 19 subsection (b); and

20           (B) person who is required to be notified under this  
 21 subsection;

22          an opportunity to be heard; and

23          (2) allow a person described in subdivision (1) to make  
 24 recommendations to the court;

25       at the initial hearing.

26       **(h) A petition alleging that a child is a child in need of services**  
 27 **shall be filed before a detention hearing concerning the child is**  
 28 **held.**

29       **(i) If a detention hearing is held under IC 31-34-5, the initial**  
 30 **hearing on the child in need of services petition shall be held at the**  
 31 **same time as the detention hearing.**

32       **(j) The court may schedule an additional initial hearing on a**  
 33 **child in need of services petition if necessary to comply with the**  
 34 **procedures and requirements of this chapter with respect to any**  
 35 **person to whom a summons has been issued under this section.**

36       **(k) An additional initial hearing under subsection (j) shall be**  
 37 **held not more than thirty (30) calendar days after the date of the**  
 38 **first initial hearing on the child in need of services petition unless**  
 39 **the court:**

40           (1) grants an extension of time for extraordinary  
 41 circumstances; and

42           (2) states the extraordinary circumstance in a written court  
 43 order.

44       SECTION 63. IC 31-34-12-7 IS ADDED TO THE INDIANA  
 45 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 46 [EFFECTIVE JULY 1, 2009]: **Sec. 7. (a) For purposes of an**  
 47 **assessment by the department, if:**

48           (1) a parent, guardian, or custodian had care, custody, and  
 49 control of the child immediately before the child died;

50           (2) a law enforcement officer or an employee of the  
 51 department had probable cause to believe the parent,

guardian, or custodian was impaired, intoxicated, or under the influence of drugs or alcohol immediately before or at the time of the child's death;

(3) a law enforcement officer or an employee of the department requests, not later than three (3) hours after the death of the child, the parent, guardian, or custodian to submit to a drug or alcohol screen test; and

(4) the parent, guardian, or custodian did not submit to a drug or alcohol screen test within three (3) hours after the request by a law enforcement officer or an employee of the department;

the failure to submit to the drug or alcohol test may be used to determine that the parent, guardian, or custodian was intoxicated or under the influence of alcohol or drugs at the time of the child's death for the purpose of the determination required under IC 31-33-8-12.

(b) Evidence from a drug or alcohol screen test administered under this section is not admissible as evidence in a criminal proceeding.

SECTION 64. IC 31-34-15-4, AS AMENDED BY P.L.145-2006, SECTION 303, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A child's case plan must be set out in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21. The case plan must include a description and discussion of the following:

(1) A permanent plan for the child and an estimated date for achieving the goal of the plan.

(2) The appropriate placement for the child based on the child's special needs and best interests.

(3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is recommended. If an out-of-home placement is appropriate, the county office or department shall consider whether a child in need of services should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

(4) Family services recommended for the child, parent, guardian, or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

(7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:

(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and

(B) department has coordinated with local educational agencies to ensure:

- (i) the child remains in the school where the child is enrolled at the time of removal; or
- (ii) immediate, appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.

SECTION 65. IC 31-35-2-4, AS AMENDED BY P.L.146-2008, SECTION 615, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:

- (1) The attorney for the department.
- (2) The child's court appointed special advocate.
- (3) The child's guardian ad litem.

(b) The petition must:

- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of \_\_\_\_\_, a child, and \_\_\_\_\_, the child's parent (or parents)"; and

(2) allege that:

(A) one (1) of the following exists:

- (i) the child has been removed from the parent for at least six (6) months under a dispositional decree;
- (ii) a court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made; or
- (iii) the child has been removed from the parent and has been under the supervision of a county office of family and children **or probation department** for at least fifteen (15) months of the most recent twenty-two (22) months, **beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;**

(B) there is a reasonable probability that:

- (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
- (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;

(C) termination is in the best interests of the child; and

(D) there is a satisfactory plan for the care and treatment of the child.

(3) Indicate whether at least one (1) of the factors listed in section 4.5(d)(1) through 4.5(d)(3) of this chapter applies and specify each factor that would apply as the basis for filing a motion to dismiss the petition.

SECTION 66. IC 31-35-2-4.5, AS AMENDED BY P.L.146-2008, SECTION 616, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) This section applies if:

(1) a court has made a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification with respect to a child in need of services are not required; or

(2) a child in need of services **or a delinquent child:**

(A) has been placed in:

(i) a foster family home, child caring institution, or group home licensed under IC 31-27; or

(ii) the home of a person related (as defined in IC 31-9-2-106.5) to the child;

as directed by a court in a child in need of services proceeding under IC 31-34 **or a delinquency action under IC 31-37**; and

(B) has been removed from a parent and has been under the supervision of the department **or county probation department** for not less than fifteen (15) months of the most recent twenty-two (22) months, ~~excluding any period not exceeding sixty (60) days before the court has entered a finding and judgment under IC 31-34 that the child is a child in need of services.~~ **beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child.**

(b) A person described in section 4(a) of this chapter shall:

(1) file a petition to terminate the parent-child relationship under section 4 of this chapter; and

(2) request that the petition be set for hearing.

(c) If a petition under subsection (b) is filed by the child's court appointed special advocate or guardian ad litem, the department shall be joined as a party to the petition.

(d) A party shall file a motion to dismiss the petition to terminate the parent-child relationship if any of the following circumstances apply:

(1) That the current case plan prepared by or under the supervision of the department **or the probation department** under IC 31-34-15, **IC 31-37-19-1.5, or IC 31-37-22-4** has documented a compelling reason, based on facts and circumstances stated in the petition or motion, for concluding that filing, or proceeding to a final determination of, a petition to terminate the parent-child relationship is not in the best interests of the child. A compelling reason may include the fact that the child is being cared for by a custodian who is a parent, stepparent, grandparent, or responsible adult who is the child's sibling, aunt, or uncle or a person related (as defined in IC 31-9-2-106.5) to the child who is caring for the child as a legal guardian.

(2) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department **or the probation department** has not provided family services to the child, parent, or family of the child in accordance with a currently effective case plan prepared under IC 31-34-15 **or IC 31-37-19-1.5** or a permanency plan or dispositional decree approved under

1 IC 31-34 **or IC 31-37**, for the purpose of permitting and  
 2 facilitating safe return of the child to the child's home; and  
 3 (C) the period for completion of the program of family  
 4 services, as specified in the current case plan, permanency  
 5 plan, or decree, has not expired.

6 (3) That:

7 (A) IC 31-34-21-5.6 is not applicable to the child;

8 (B) the department has not provided family services to the  
 9 child, parent, or family of the child, in accordance with  
 10 applicable provisions of a currently effective case plan  
 11 prepared under IC 31-34-15 **or IC 31-37-19-1.5**, or a  
 12 permanency plan or dispositional decree approved under  
 13 IC 31-34 **or IC 31-37**; and

14 (C) the services that the department has not provided are  
 15 substantial and material in relation to implementation of a plan  
 16 to permit safe return of the child to the child's home.

17 The motion to dismiss shall specify which of the allegations described  
 18 in subdivisions (1) through (3) apply to the motion. If the court finds  
 19 that any of the allegations described in subdivisions (1) through (3) are  
 20 true, as established by a preponderance of the evidence, the court shall  
 21 dismiss the petition to terminate the parent-child relationship.

22 SECTION 67. IC 31-37-5-8, AS ADDED BY P.L.146-2008,  
 23 SECTION 623, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies to  
 25 services and programs provided to or on behalf of a child alleged to be  
 26 a delinquent child at any time before:

27 (1) entry of a dispositional decree under IC 31-37-19; or

28 (2) approval of a program of informal adjustment under  
 29 IC 31-37-9.

30 (b) Except as provided in subsection (c), before a juvenile court  
 31 orders or approves a service, a program, or an out-of-home placement  
 32 for a child:

33 (1) that is recommended by a probation officer or proposed by the  
 34 juvenile court;

35 (2) for which the costs would be payable by the department under  
 36 IC 31-40-1-2; and

37 (3) that has not been approved by the department;

38 the juvenile court shall submit the proposed service, program, or  
 39 placement to the department for consideration. The department shall,  
 40 not later than three (3) business days after receipt of the  
 41 recommendation or proposal, submit to the court a report stating  
 42 whether the department approves or disapproves the proposed service,  
 43 program, or placement.

44 (c) If the juvenile court makes written findings and concludes that  
 45 an emergency exists requiring an immediate out-of-home placement to  
 46 protect the health and welfare of the child, the juvenile court may order  
 47 or authorize implementation of the placement without first complying  
 48 with the procedure specified in this section. After entry of an order  
 49 under this subsection, the juvenile court shall submit a copy of the  
 50 order to the department for consideration under this section of possible  
 51 modification or alternatives to the placement and any related services

or programs included in the order.

(d) If the department approves the service, program, or placement recommended by the probation officer or juvenile court, the juvenile court may enter an appropriate order to implement the approved proposal. If the department does not approve a service, program, or placement recommended by the probation officer or proposed by the juvenile court, the department may recommend an alternative service, program, or placement for the child.

(e) The juvenile court shall accept the recommendations of the department regarding any predispositional services, programs, or placement for the child unless the juvenile court finds a recommendation is:

(1) unreasonable, based on the facts and circumstances of the case; or

(2) contrary to the welfare and best interests of the child.

(f) If the juvenile court does not accept the recommendations of the department in the report submitted under subsection (b), the court:

(1) may enter an order that:

~~(1)~~ (A) requires the department to provide a specified service, program, or placement, until entry of a dispositional decree or until the order is otherwise modified or terminated; and

~~(2)~~ (B) specifically states the reasons why the juvenile court is not accepting the recommendations of the department, including the juvenile court's findings under subsection (e);

and

**(2) must incorporate all documents referenced in the report submitted to the probation officer or to the court by the department into the order so that the documents are part of the record for any appeal the department may pursue under subsection (g).**

(g) If the juvenile court enters its findings and order under subsections (e) and (f), the department may appeal the juvenile court's order under any available procedure provided by the Indiana Rules of Trial Procedure or the Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(h) If the department prevails on an appeal initiated under subsection (g), the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

(1) Any programs or services implemented during the appeal, other than the cost of an out-of-home placement ordered by the juvenile court.

(2) Any out-of-home placement ordered by the juvenile court and implemented after entry of the court order of placement, if the court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the county in which the juvenile court is located is responsible for payment of all costs of the placement, including the cost of services and programs provided by the home or facility where

1 the child was placed.

2 SECTION 68. IC 31-37-17-1, AS AMENDED BY P.L.146-2008,  
3 SECTION 637, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Upon finding that a child is  
5 a delinquent child, the juvenile court shall order a probation officer to  
6 prepare a predispositional report that contains:

- 7 (1) a statement of the needs of the child for care, treatment,  
8 rehabilitation, or placement;
- 9 (2) a recommendation for the care, treatment, rehabilitation, or  
10 placement of the child;
- 11 (3) if the recommendation includes  
12 ~~(A) an out-of-home placement other than a secure detention~~  
13 ~~facility, or~~  
14 ~~(B) services payable by the department under IC 31-40-1-2;~~  
15 information that the department requires to determine whether the  
16 child is eligible for assistance under Title IV-E of the federal  
17 Social Security Act (42 U.S.C. 670 et seq.); and  
18 (4) a statement of the department's concurrence with or its  
19 alternative proposal to the probation officer's predispositional  
20 report, as provided in section 1.4 of this chapter.

21 (b) Any of the following may prepare an alternative report for  
22 consideration by the court:

- 23 (1) The child.
- 24 (2) The child's:  
25 (A) parent;  
26 (B) guardian;  
27 (C) guardian ad litem;  
28 (D) court appointed special advocate; or  
29 (E) custodian.

30 SECTION 69. IC 31-37-17-8 IS ADDED TO THE INDIANA  
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2009]: **Sec. 8. Unless prohibited by federal**  
33 **law, a probation department and:**

- 34 **(1) the division of family resources;**
  - 35 **(2) a county office; and**
  - 36 **(3) the department of child services;**
- 37 **may exchange information for use in preparing a report under this**  
38 **chapter.**

39 SECTION 70. IC 31-37-18-9, AS AMENDED BY P.L.146-2008,  
40 SECTION 646, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The juvenile court shall  
42 accompany the court's dispositional decree with written findings and  
43 conclusions upon the record concerning approval, modification, or  
44 rejection of the dispositional recommendations submitted in the  
45 predispositional report, including the following specific findings:

- 46 (1) The needs of the child for care, treatment, rehabilitation, or  
47 placement.
- 48 (2) The need for participation by the parent, guardian, or  
49 custodian in the plan of care for the child.
- 50 (3) Efforts made, if the child is removed from the child's parent,  
51 guardian, or custodian, to:



(A) prevent the child's removal from; or

(B) reunite the child with;

the child's parent, guardian, or custodian.

(4) Family services that were offered and provided to:

(A) the child; or

(B) the child's parent, guardian, or custodian.

(5) The court's reasons for the disposition.

(b) If the department does not concur with the probation officer's recommendations in the predispositional report and the juvenile court does not follow the department's alternative recommendations, the juvenile court shall:

(1) accompany the court's dispositional decree with written findings that the department's recommendations contained in the predispositional report are:

~~(1)~~ (A) unreasonable based on the facts and circumstances of the case; or

~~(2)~~ (B) contrary to the welfare and best interests of the child;

**and**

**(2) incorporate all documents referenced in the report submitted to the probation officer or to the court by the department into the order so that the documents are part of the record for any appeal the department may pursue under subsection (d).**

(c) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

(d) If the juvenile court enters findings and a decree under subsection (b), the department may appeal the juvenile court's decree under any available procedure provided by the Indiana Rules of Trial Procedure or Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(e) If the department prevails on appeal, the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

(1) any programs or services implemented during the appeal initiated under subsection (d), other than the cost of an out-of-home placement ordered by the juvenile court; and

(2) any out-of-home placement ordered by the juvenile court and implemented after entry of the dispositional decree or modification order, if the juvenile court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the county in which the juvenile court is located is responsible for payment of all costs of the placement, including the cost of services and programs provided by the home or facility where the child was placed.

SECTION 71. IC 31-37-19-1.5, AS ADDED BY P.L.146-2008, SECTION 648, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to a

delinquent child if the child is placed in an out-of-home residence or facility that is not a secure detention facility.

(b) The probation department, after negotiating with the child's parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after ~~the earlier of:~~

~~(1) the date of the child's first placement or~~

~~(2) the date of a dispositional decree.~~

**that the probation department requests to be paid for by the department.**

(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.

(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:

(1) A permanency plan for the child and an estimated date for achieving the goal of the plan.

(2) The appropriate placement for the child based on the child's special needs and best interests.

(3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative caretaker, before considering other out-of-home placements for the child.

(4) Family services recommended for the child, parent, guardian, or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

**(7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:**

**(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and**

**(B) department has coordinated with local educational agencies to ensure:**

**(i) the child remains in the school where the child is enrolled at the time of removal; or**

**(ii) immediate, appropriate enrollment of the child in a different school if remaining in the same school is not in the best interests of the child.**

(e) Each caretaker of a child and the probation department shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility

regarding the following:

- (1) Rehabilitation of the child and the child's parents, guardians, and custodians.
- (2) Visitation arrangements.
- (3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.

SECTION 72. IC 31-37-22-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) This section applies to a delinquent child if the child is placed in an out-of-home residence or facility that is not a secure detention facility.**

**(b) The probation department, after negotiating with the child's parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after the date of the child's first placement that the probation department requests to be paid for by the department.**

**(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.**

**(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:**

- (1) A permanency plan for the child and an estimated date for achieving the goal of the plan.**
- (2) The appropriate placement for the child based on the child's special needs and best interests.**
- (3) The least restrictive family like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative caretaker, before considering other out-of-home placements for the child.**
- (4) Family services recommended for the child, parent, guardian, or custodian.**
- (5) Efforts already made to provide family services to the child, parent, guardian, or custodian.**
- (6) Efforts that will be made to provide family services that are ordered by the court.**
- (7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:**
  - (A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child presently is enrolled; and**
  - (B) department has coordinated with local educational agencies to ensure:**
    - (i) the child remains in the school where the child is**

enrolled at the time of removal; or  
(ii) immediate and appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.

(e) The probation department and each caretaker of a child shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians, and custodians.

(2) Visitation arrangements.

(3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.

SECTION 73. IC 35-42-2-1, AS AMENDED BY P.L.120-2008, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of the officer's official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer; or

(F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of the officer's official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who has a mental or physical disability

- 1 and is committed by a person having the care of the person
- 2 with a mental or physical disability, whether the care is
- 3 assumed voluntarily or because of a legal obligation;
- 4 (D) the other person and the person who commits the battery
- 5 was previously convicted of a battery in which the victim was
- 6 the other person;
- 7 (E) an endangered adult (as defined in IC 12-10-3-2);
- 8 (F) an employee of the department of correction while the
- 9 employee is engaged in the execution of the employee's
- 10 official duty;
- 11 (G) an employee of a school corporation while the employee
- 12 is engaged in the execution of the employee's official duty;
- 13 (H) a correctional professional while the correctional
- 14 professional is engaged in the execution of the correctional
- 15 professional's official duty;
- 16 (I) a person who is a health care provider (as defined in
- 17 IC 16-18-2-163) while the health care provider is engaged in
- 18 the execution of the health care provider's official duty;
- 19 (J) an employee of a penal facility or a juvenile detention
- 20 facility (as defined in IC 31-9-2-71) while the employee is
- 21 engaged in the execution of the employee's official duty;
- 22 (K) a firefighter (as defined in IC 9-18-34-1) while the
- 23 firefighter is engaged in the execution of the firefighter's
- 24 official duty;
- 25 (L) a community policing volunteer:
- 26 (i) while the volunteer is performing the duties described in
- 27 IC 35-41-1-4.7; or
- 28 (ii) because the person is a community policing volunteer;
- 29 **or**
- 30 (M) a family or household member (as defined in
- 31 IC 35-41-1-10.6) if the person who committed the offense:
- 32 (i) is at least eighteen (18) years of age; and
- 33 (ii) committed the offense in the physical presence of a child
- 34 less than sixteen (16) years of age, knowing that the child
- 35 was present and might be able to see or hear the offense; **or**
- 36 **(N) a department of child services employee while the**
- 37 **employee is engaged in the execution of the employee's**
- 38 **official duty;**
- 39 (3) a Class C felony if it results in serious bodily injury to any
- 40 other person or if it is committed by means of a deadly weapon;
- 41 (4) a Class B felony if it results in serious bodily injury to a
- 42 person less than fourteen (14) years of age and is committed by a
- 43 person at least eighteen (18) years of age;
- 44 (5) a Class A felony if it results in the death of a person less than
- 45 fourteen (14) years of age and is committed by a person at least
- 46 eighteen (18) years of age;
- 47 (6) a Class C felony if it results in serious bodily injury to an
- 48 endangered adult (as defined in IC 12-10-3-2);
- 49 (7) a Class B felony if it results in the death of an endangered
- 50 adult (as defined in IC 12-10-3-2); and
- 51 (8) a Class C felony if it results in bodily injury to a pregnant

woman and the person knew the woman was pregnant.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

SECTION 74. IC 35-42-2-6, AS AMENDED BY P.L.178-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

(1) the department of correction;

(2) a law enforcement agency;

(3) a probation department;

(4) a county jail; or

(5) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "firefighter" means a person who is a:

(1) full-time, salaried firefighter;

(2) part-time, paid firefighter; or

(3) volunteer firefighter (as defined in IC 36-8-12-2).

(c) As used in this section, "first responder" means a person who:

(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for first responder certification; and

(2) responds to an incident requiring emergency medical services.

(d) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

(e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, firefighter, first responder, ~~or~~ corrections officer, **or department of child services employee**, identified as such and while engaged in the performance of official duties, or coerces another person to place blood or another body fluid or waste on the law enforcement officer, firefighter, first responder, ~~or~~ corrections officer, **or department of child services employee**, commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

(A) hepatitis B or hepatitis C;

(B) HIV; or

(C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis

- 1 and the offense results in the transmission of tuberculosis to  
 2 the other person; and  
 3 (3) a Class A felony if:  
 4 (A) the person knew or recklessly failed to know that the  
 5 blood, bodily fluid, or waste was infected with HIV; and  
 6 (B) the offense results in the transmission of HIV to the other  
 7 person.  
 8 (f) A person who knowingly or intentionally in a rude, an insolent,  
 9 or an angry manner places human blood, semen, urine, or fecal waste  
 10 on another person commits battery by body waste, a Class A  
 11 misdemeanor. However, the offense is:  
 12 (1) a Class D felony if the person knew or recklessly failed to  
 13 know that the blood, semen, urine, or fecal waste was infected  
 14 with:  
 15 (A) hepatitis B or hepatitis C;  
 16 (B) HIV; or  
 17 (C) tuberculosis;  
 18 (2) a Class C felony if:  
 19 (A) the person knew or recklessly failed to know that the  
 20 blood, semen, urine, or fecal waste was infected with hepatitis  
 21 B or hepatitis C and the offense results in the transmission of  
 22 hepatitis B or hepatitis C to the other person; or  
 23 (B) the person knew or recklessly failed to know that the  
 24 blood, semen, urine, or fecal waste was infected with  
 25 tuberculosis and the offense results in the transmission of  
 26 tuberculosis to the other person; and  
 27 (3) a Class B felony if:  
 28 (A) the person knew or recklessly failed to know that the  
 29 blood, semen, urine, or fecal waste was infected with HIV; and  
 30 (B) the offense results in the transmission of HIV to the other  
 31 person.  
 32 SECTION 75. IC 36-2-14-6.3, AS ADDED BY P.L.225-2007,  
 33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2009]: Sec. 6.3. (a) A coroner shall **immediately** notify:  
 35 **(1) the county office of the department of child services by**  
 36 **using the statewide hotline for the department; and**  
 37 **(2) either:**  
 38 ~~(1)~~ **(A)** the local child fatality review team; or  
 39 ~~(2)~~ **(B)** if the county does not have a local child fatality review  
 40 team, the statewide child fatality review committee;  
 41 of each death of a person who is less than eighteen (18) years of age,  
 42 or appears to be less than eighteen (18) years of age and who has died  
 43 in an apparently suspicious, ~~unusual~~, or ~~unnatural~~, **unexpected, or**  
 44 **unexplained** manner.  
 45 (b) If a child less than eighteen (18) years of age dies in an  
 46 apparently suspicious, ~~unusual~~, or ~~unnatural~~ **unexpected, or**  
 47 **unexplained** manner, the coroner shall consult with a child death  
 48 pathologist to determine whether an autopsy is necessary. If the coroner  
 49 and the child death pathologist disagree over the need for an autopsy,  
 50 the county prosecutor shall determine whether an autopsy is necessary.  
 51 If the autopsy is considered necessary, a child death pathologist or a

1 pathology resident acting under the direct supervision of a child death  
 2 pathologist shall conduct the autopsy within twenty-four (24) hours. If  
 3 the autopsy is not considered necessary, the autopsy shall not be  
 4 conducted.

5 (c) If a child death pathologist and coroner agree under subsection  
 6 (b) that an autopsy is necessary, the child death pathologist or a  
 7 pathology resident acting under the direct supervision of a child death  
 8 pathologist shall conduct the autopsy of the child.

9 SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 10 JULY 1, 2009]: IC 31-9-2-21; IC 31-9-2-58.5; IC 31-9-2-80;  
 11 IC 31-9-2-103; IC 31-9-2-113; IC 31-38.

12 SECTION 77. [EFFECTIVE JULY 1, 2009] (a) **The department**  
 13 **of child services, in cooperation with the department of education,**  
 14 **shall develop and coordinate the education advocates for children**  
 15 **in foster care plan. The plan must:**

16 (1) **specify the best approach to coordinate the transfer of a**  
 17 **child in foster care between schools and between school**  
 18 **districts, including the transfer of a child's school records and**  
 19 **any individual education plans;**

20 (2) **address specific educational issues encountered by**  
 21 **children in foster care;**

22 (3) **specify with whom the department may partner to assist**  
 23 **with the educational needs of a child in foster care;**

24 (4) **specify how school corporation liaisons, under IC 20-50-1,**  
 25 **and the programs for tutoring and mentoring for homeless**  
 26 **children and foster care children, under IC 20-5-2, could**  
 27 **assist the department with foster care children; and**

28 (5) **recommend legislation to fulfill the plan.**

29 (b) **The department shall submit a report to the governor and**  
 30 **the legislative council before July 1, 2010. The report must include**  
 31 **details of the plan described in subsection (a). The report**  
 32 **submitted to the legislative council must be in an electronic format**  
 33 **under IC 5-14-6.**

34 (c) **This SECTION expires December 31, 2010.**

35 SECTION 78. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
 36 **SECTION, "commission" refers to the commission on childhood**  
 37 **poverty in Indiana established by subsection (b).**

38 (b) **The commission on childhood poverty in Indiana is**  
 39 **established. The commission shall evaluate the costs and effects of**  
 40 **childhood poverty and provide a plan to reduce childhood poverty**  
 41 **by fifty percent (50%) in Indiana by the year 2020.**

42 (c) **The commission consists of the following members:**

43 (1) **The dean of the Indiana University School of Social Work,**  
 44 **or the dean's designee, who shall serve as chairperson of the**  
 45 **commission.**

46 (2) **The state superintendent of public instruction, or the**  
 47 **superintendent's designee.**

48 (3) **The director of the division of family resources, or the**  
 49 **director's designee.**

50 (4) **The director of the Indiana housing and community**  
 51 **development authority, or the director's designee.**



(5) The director of the department of workforce development, or the director's designee.

(6) The commissioner of the state department of health, or the commissioner's designee.

(7) The director of the office of faith based and community initiatives.

(8) One (1) representative from the National Association of Social Workers - Indiana Chapter.

(9) One (1) representative from the Indiana Community Action Association.

(10) One (1) representative from the Children's Coalition of Indiana.

(11) One (1) representative from the Indiana Youth Services Association.

(12) One (1) representative from the Indianapolis Urban League.

(13) One (1) representative from the Coalition for Homelessness, Intervention, and Prevention.

(14) One (1) representative from the Indiana Association of United Ways.

(15) One (1) representative from Indiana Legal Services.

(16) One (1) representative from the Purdue University Department of Early Childhood and Family Development.

(17) One (1) representative from the University of Notre Dame, Institute for Latino Studies.

(18) One (1) representative from an Indiana branch of the National Association for the Advancement of Colored People.

(19) One (1) representative from the Riley Hospital for Children, Department of Pediatrics.

(20) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(21) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

The speaker of the house of representatives shall appoint the members described in subdivisions (8), (10), (12), (14), (16), (18), and (21). The president pro tempore of the senate shall appoint the members described in subdivisions (9), (11), (13), (15), (17), (19), and (20). Vacancies shall be filled by the appointing authority for the remainder of the unexpired term. The initial appointments shall be made not later than August 15, 2009.

(d) Each member appointed under subsection (c) must have knowledge concerning childhood poverty in Indiana.

(e) A majority of the voting members of the commission constitutes a quorum.

(f) The Indiana University School of Social Work shall staff the commission.

(g) The commission shall meet:

- (1) at the call of the chairperson; and
- (2) as often as necessary to carry out the purposes of this SECTION.

However, the commission shall meet at least quarterly.

(h) The commission has the following responsibilities:

- (1) Identifying and analyzing the occurrence and root causes of urban and rural poverty in Indiana.
- (2) Analyzing the long term effects of poverty on a child, the child's family, and the child's community.
- (3) Analyzing the costs of child poverty to municipalities and Indiana.
- (4) Providing information on statewide public and private programs that address the reduction of child poverty.
- (5) Examining the percentage of the target population served by programs described in subdivision (4) and the current state funding levels for the programs.
- (6) Preparing reports consisting of the commission's findings and recommendations.
- (7) Presenting an implementation plan that includes procedures and priorities for implementing strategies and biannual benchmarks to achieve the reduction of childhood poverty by fifty percent (50%) in Indiana by 2020. The plan must include, but is not limited to, provisions for improving the following for parents and children living in poverty:
  - (A) Workforce training and placement to promote career progression.
  - (B) Education opportunities, including higher education opportunities and literacy programs.
  - (C) Affordable housing.
  - (D) Child care and early education programs.
  - (E) After school programs and mentoring programs.
  - (F) Access to affordable health care, including access to mental health services and substance abuse programs.
  - (G) Streamlining of services through public and private agencies providing human services to low income children and families.

(i) In carrying out its duties, the commission shall consider pertinent studies concerning childhood poverty and take testimony from experts and advocates in the human services field.

(j) The affirmative votes of a majority of the commission's members on the commission are required for the commission to take action on any measure, including making recommendations for the reports required by this SECTION.

(k) Each member of the commission who is not a member of the general assembly is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also not entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(l) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(m) The commission shall submit the reports required in subsection (h)(6) and the plan required in subsection (h)(7) to the governor and the legislative council by the following dates:

(1) Not later than December 31, 2010, the commission shall submit an interim report that contains interim findings and recommendations by the commission under subsection (h)(6).

(2) Not later than December 31, 2011, the commission shall submit the commission's final report that contains:

(A) the findings and recommendations of the commission under subsection (h)(6); and

(B) the implementation plan under subsection (h)(7).

The report to the legislative council must be in an electronic format under IC 5-14-6.

(n) The commission shall make the final report available to the public upon request not later than December 31, 2011.

(o) This SECTION expires January 1, 2012.

SECTION 79. [EFFECTIVE UPON PASSAGE] IC 31-30-1-2.5, as amended by this act, applies to proceedings pending on or initiated on or after the effective date of this SECTION.

SECTION 80. An emergency is declared for this act.

(Reference is to ESB 365 as printed March 24, 2009.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 365**

**S**igned by:

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Senator Lawson C  
Chairperson

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Representative Avery

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Senator Lanane

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Representative Bell

**Senate Conferees**

**House Conferees**